

SIXTY-FIRST DAY

(Tuesday, May 16, 1967)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Herring
Bates	Hightower
Bernal	Jordan
Berry	Kennard
Blanchard	Mauzy
Brooks	Parkhouse
Christie	Patman
Cole	Ratliff
Connally	Reagan
Creighton	Schwartz
Grover	Strong
Hall	Wade
Hardeman	Watson
Harrington	Wilson
Hazlewood	Word

Absent—Excused

Moore

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Morning Call Dispensed With

On motion of Senator Patman and by unanimous consent The Morning Call was dispensed with.

Leave of Absence

Senator Moore was granted leave of absence for today on account of important business on motion of Senator Ratliff.

Reports of Standing Committees

Senator Word by unanimous consent submitted the following reports:

Austin, Texas,
May 16, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Legislative, Congressional and Judicial Districts, to which was referred S. B.

No. 613, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WORD, Chairman.

Austin, Texas,
May 16, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Legislative, Congressional and Judicial Districts, to which was referred S. B. No. 335, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the Committee Substitute adopted in lieu thereof do pass and be printed.

WORD, Chairman.

C. S. S. B. No. 335 was read the first time.

Senator Parkhouse by unanimous consent submitted the following report:

Austin, Texas,
May 16, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Water and Conservation, to which was referred H. B. No. 373, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PARKHOUSE, Chairman.

Senator Aikin by unanimous consent submitted the following reports:

Austin, Texas,
May 16, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Finance, to which was referred S. B. No. 69, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

AIKIN, Chairman.

Austin, Texas,
May 16, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Fi-

nance, to which was referred S. B. No. 514, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

AIKIN, Chairman.

Senator Cole by unanimous consent submitted the following reports:

Austin, Texas,
May 16, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Education, to which was referred H. B. No. 25, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

COLE, Chairman.

Austin, Texas,
May 16, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Education, to which was referred H. B. No. 794, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

COLE, Chairman.

Austin, Texas,
May 16, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Education, to which was referred H. B. No. 999, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

COLE, Chairman.

Austin, Texas,
May 16, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Education, to which was referred H. B. No. 664, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

COLE, Chairman.

Austin, Texas,
May 16, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Education, to which was referred S. B. No. 294, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

COLE, Chairman.

Senator Watson by unanimous consent submitted the following report:

Austin, Texas,
May 16, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Insurance, to which was referred H. B. No. 1036, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

WATSON, Chairman.

Senator Parkhouse by unanimous consent submitted the following report:

Austin, Texas,
May 15, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Water and Conservation, to which was referred H. B. No. 1256, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PARKHOUSE, Chairman
GROVER
HARRINGTON
BERNAL
PATMAN
HARDEMAN
REAGAN

Senator Hightower by unanimous consent submitted the following reports:

Austin, Texas,
May 16, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Game and Fish, to which was referred H. B. No. 1288, have had the same under consideration, and we are instructed

to report it back to the Senate with the recommendation that it do pass and be printed.

HIGHTOWER, Chairman.

Austin, Texas,
May 16, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Game and Fish, to which was referred H. B. No. 1289, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HIGHTOWER, Chairman.

Message From the House

Hall of the House of Representatives
Austin, Texas,
May 16, 1967.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

The House has concurred in Senate amendments to H. C. R. No. 94 by non-record vote.

S. B. No. 215, A bill to be entitled "An Act relating to the real estate brokerage business and the licensing and regulation of real estate brokers and salesmen; amending The Real Estate License Act, House Bill No. 17, Acts of the Forty-Sixth Legislature, 1939, as amended, etc., and, declaring an emergency."

(With Amendments.)

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Senate Bill 597 on Second Reading

On motion of Senator Patman and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 597, A bill to be entitled "An Act to authorize the Parks and Wildlife Department to rehabilitate the Copano Bay Causeway as a public fishing pier and recreation area; providing for financing; and declaring an emergency."

The bill was read second time.

Senator Patman offered the following Committee Amendment to the bill:

Amend Section 1 of S. B. No. 597 to read as follows:

"Section 1. The Parks and Wildlife Department is hereby authorized to rehabilitate the Copano Bay Causeway as a public fishing pier and recreation area. Out of any money appropriated to the Parks and Wildlife Department from the Sand, Shell, and Gravel Fund revenues accruing to the Special Game and Fish Fund for the fiscal biennium ending August 31, 1967, the department may expend such sum as may be needed, not to exceed \$10,000, in addition to amounts appropriated to this purpose in Article III, Chapter 720, p. 1809, Acts of the 59th Leg., Regular Session, 1965."

The Committee Amendment was read.

Senator Patman offered the following amendment to the Committee Amendment:

Amend the committee amendment to S. B. No. 597 by adding at the end thereof a sentence to read as follows:

"Any provision of Chapter 16, Acts of the 58th Legislature, Regular Session, 1963, in conflict with any provision of this Act is repealed."

The amendment to the Committee Amendment was read and was adopted.

The Committee Amendment as amended was adopted.

On motion of Senator Patman and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

Senate Bill 597 on Third Reading

Senator Patman moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 597 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Herring
Bates	Hightower
Bernal	Jordan
Berry	Kennard
Blanchard	Mauzy
Brooks	Parkhouse
Christie	Patman
Cole	Ratliff
Connally	Reagan
Creighton	Schwartz
Grover	Strong
Hall	Wade
Hardeman	Watson
Harrington	Wilson
Hazlewood	Word

Absent—Excused

Moore

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30

Aikin	Herring
Bates	Hightower
Bernal	Jordan
Berry	Kennard
Blanchard	Mauzy
Brooks	Parkhouse
Christie	Patman
Cole	Ratliff
Connally	Reagan
Creighton	Schwartz
Grover	Strong
Hall	Wade
Hardeman	Watson
Harrington	Wilson
Hazlewood	Word

Absent—Excused

Moore

Motion to Place

Senate Bill 537 on Second Reading

Senator Harrington asked unanimous consent to suspend the regular order of business and take up S. B. No. 537 for consideration at this time.

There was objection.

Senator Harrington then moved to suspend the regular order of business and take up S. B. No. 537 for consideration at this time.

The motion was lost by the following vote (not receiving two-thirds vote of the Members present):

Yeas—17

Bates	Hall
Bernal	Harrington
Berry	Herring
Blanchard	Jordan
Brooks	Mauzy
Christie	Schwartz
Cole	Strong
Creighton	Word
Grover	

Nays—12

Aikin	Parkhouse
Connally	Patman
Hardeman	Ratliff
Hazlewood	Reagan
Hightower	Wade
Kennard	Watson

Absent

Wilson

Absent—Excused

Moore

Motion to Place

Senate Joint Resolution 1
on Final Passage

Senator Harrington asked unanimous consent to suspend the regular order of business and take up S. J. R. No. 1 for consideration at this time.

There was objection.

Senator Harrington then moved to suspend the regular order of business and take up S. J. R. No. 1 for consideration at this time.

The motion was lost by the following vote (not receiving two-thirds vote of the Members present):

Yeas—19

Aikin	Jordan
Bernal	Kennard
Berry	Mauzy
Brooks	Patman
Christie	Reagan
Cole	Schwartz
Grover	Watson
Hall	Wilson
Harrington	Word
Herring	

Nays—10

Blanchard	Connally
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Creighton
Hardeman
Hazlewood
Hightower

Parkhouse
Ratliff
Strong
Wade

Absent

Bates

Absent—Excused

Moore

Senate Bill 42 on Second Reading

On motion of Senator Word and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 42, A bill to be entitled "An Act to create county traffic courts with original and appellate jurisdiction in certain traffic cases; prescribing the organization, jurisdiction, powers, and procedure of such courts; and conforming the jurisdiction and procedure of other courts thereto; repealing all laws in conflict herewith and declaring an emergency."

The bill was read second time.

Senator Word offered the following Committee Amendment to the bill:

Amend S. B. No. 42, Sec. 22, line 6, by inserting after the word "vacated," the following: At the end of the term of office for which such judge has been appointed or elected, and after the word "terminated" on line 7 the following: at the end of such term, or upon the death or resignation of the judge after the Commissioners Court have entered such order.

The Committee Amendment was read and was adopted.

Senator Word offered the following amendment to the bill:

Amend the first sentence of Section 2 of S. B. No. 42 to read as follows:

"Sec. 2. After the adoption of the order of the county commissioners court provided in Section 1 hereof, the county traffic court of each county shall have original and appellate jurisdiction concurrent with county courts, county courts at law, and county criminal courts in all mis-

demeanor cases not involving a felony arising under the laws of the State of Texas relating to:

(1) the registration of motor vehicles; (2) to the certificate of title act; (3) to the uniform act regulating traffic on highways; (4) to the laws relating to drivers', chauffeurs', and commercial operators' licenses; (5) to the Texas Motor Vehicle Safety-Responsibility Act; (6) to the regulation of speed of motor vehicles; (7) to the regulation of equipment, dimensions and weights of motor vehicles; (8) to the offense of driving a motor vehicle while intoxicated or under the influence of intoxicating liquor, or any narcotic drug; (9) to the offenses of aggravated assault with a motor vehicle, and negligent homicide with a motor vehicle; and (10) to all cases other than those enumerated in this section of this act, arising under the penal laws of the State of Texas concerning the operation, stopping, standing, or parking of motor vehicles.

The amendment was read and was adopted.

On motion of Senator Word and by unanimous consent the caption was amended to conform to the body of the bill.

The bill as amended was passed to engrossment.

Record of Votes

Senators Hardeman, Creighton, Brooks, Schwartz, Hazlewood, Watson and Blanchard asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

Senate Bill 42 on Third Reading

Senator Word moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 42 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—24

Aikin
Bates
Bernal
Berry
Blanchard

Brooks
Christie
Cole
Connally
Grover

Hall	Parkhouse
Harrington	Patman
Herring	Reagan
Hightower	Strong
Jordan	Wade
Kennard	Wilson
Mauzy	Word

Nays—6

Creighton	Ratliff
Hardeman	Schwartz
Hazlewood	Watson

Absent—Excused

Moore

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Record of Votes

Senators Hardeman, Creighton, Watson, Hazlewood, Schwartz and Brooks asked to be recorded as voting "Nay" on the final passage of the bill.

Bills Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled bills:

S. B. No. 25, A bill to be entitled "An Act amending Section 29 of the Texas Trust Act, Chapter 148, Acts of the 48th Legislature (1943), sec. 29, p. 232, codified as Article 7425b-29, Vernon's Texas Civil Statutes, relating to the allocation of dividends and share rights; providing for severability; and declaring an emergency."

S. B. No. 50, A bill to be entitled "An Act relating to the exemption from taxation of certain non-profit corporations formed to prevent cruelty to animals and to promote humane treatment of animals; amending Subdivision 7, Article 7150, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency."

S. B. No. 114, A bill to be entitled "An Act amending Article 310, Revised Civil Statutes of Texas, 1925, to provide that the maximum fee which may be charged for taking an examination from the Board of Legal Examiners is \$40; and declaring an emergency."

S. B. No. 204, A bill to be entitled "An Act to establish the Texas Water Quality Board, prescribe its powers, duties, functions, and procedures and to provide for the establishment and control of the quality of the waters in the state and the control, prevention, and abatement of pollution; validating previous actions of the Texas Water Pollution Control Board; providing penalties; repealing Chapter 42, Acts of the 57th Legislature, 1st Called Session, 1961, as amended (Article 7621d, Vernon's Texas Civil Statutes), and repealing certain other laws to the extent of conflict; providing for severability; and declaring an emergency."

S. B. No. 334, A bill to be entitled "An Act concerning county law libraries, amending Section 1, Chapter 192, Acts of the 48th Legislature, 1943, as amended (Article 1702a-1, Vernon's Texas Civil Statutes); providing for a cost increase on civil cases to benefit the county law library fund; and declaring an emergency."

S. B. No. 386, A bill to be entitled "An Act relating to the protection of Texas Tortoises (*Gopherus berlandieri*) from commercial exploitation; providing a penalty; and declaring an emergency."

Senate Bill 223 With House Amendments

Senator Brooks called S. B. No. 223 from the President's Table for consideration of the House amendments to the bill.

The President laid the bill and the following House amendments before the Senate:

Committee Amendment 1

Amend Section 5 of S. B. No. 223 to read as follows:

Section 5. The District shall have and exercise, and is hereby vested with, all of the rights, powers, privileges, authority and duties conferred and imposed by the General Laws of this State, now in force or hereafter enacted, applicable to water control and improvement districts created under authority of Article XVI, Section 59 of the Constitution of Texas; but to the extent that the provisions of any such General Laws may be in conflict or inconsistent with the pro-

visions of this Act, the provisions of this Act shall prevail. All such General Laws are hereby adopted and incorporated by reference with the same effect as if incorporated in full in this Act. Without in any way limiting the generality of the foregoing, the District is hereby specifically granted the right, power and authority to purchase, construct, or purchase and construct, or otherwise acquire and accomplish by any and all practical means, waterworks systems, sanitary sewer systems, storm sewer systems and drainage facilities or parts of such systems or facilities and to make any and all necessary purchases, constructions, improvements, extensions, additions and repairs thereto, and to purchase or otherwise acquire all necessary land, easements, buildings, structures, equipment and other necessary facilities therefor within or without the boundaries of the District (except as limited by this Act) and to issue and sell its bonds for any one or more of such purposes and provide and make payment therefor and for all necessary expenses in connection therewith. By way of limitation, however, it is provided that the District shall conform and comply with all requirements of Ordinance No. 768 of the City of La Porte, Texas, as passed, approved and effective May 1, 1967, and it is further provided that the powers and duties herein granted to the District shall be subject to the continuing right of supervision of the State, to be exercised by and through the Texas Water Rights Commission.

Committee Amendment 2

Amend Senate Bill 223 by striking all above the enacting clause and substituting the following:

A bill to be entitled "An Act creating and establishing a conservation and reclamation district under Article XVI, Section 59, Constitution of Texas, known as "Spenwick Place Municipal Utility District of Harris County"; declaring said District to be a governmental agency and body politic and corporate; defining the boundaries of said District and finding that said boundaries form a closure; finding that said District is created to serve a public use and benefit; providing that said District shall have all of the rights, powers, privileges, authority and duties conferred by the Gen-

eral Laws applicable to water control and improvement districts created under Article XVI, Section 59 of the Constitution of Texas where not in conflict with this Act, specifying certain rights, powers and authority but providing, by way of limitation, that the District shall comply with all requirements of an Ordinance of the City of LaPorte, Texas, and that all powers and duties of said District shall be subject to the continuing right of supervision of the State, exercised by and through the Texas Water Rights Commission; providing for no confirmation election nor hearing for the exclusion of lands nor hearing on plan of taxation need be held and adopting the ad valorem plan of taxation; providing for the governing body of said District; providing for the qualifications, election and terms of directors and appointing members of original Board of Directors; providing for the validity of bonds issued by said District; providing for the approval and inspection of construction projects by the Texas Water Commission; limiting the powers of eminent domain of said District; providing that Article 7880-77b shall not be applicable to said District; providing that said District is free from taxation within this State; determining and finding that the requirements of Article XVI, Section 59(d) have been fulfilled and accomplished; providing for severability; and declaring an emergency."

Committee Amendment 3

Amend Section 11 of S. B. No. 223 to read as follows:

Section 11. The provisions of Article 7880-77b, as amended, as codified in Vernon's Annotated Civil Statutes of Texas, or any other general law, pertaining to the calling of a hearing for the determination of the dissolution of a district where a bond election has failed shall be inapplicable to this District, and this District shall continue to exist and shall have full power to function and operate regardless of the outcome of any bond election. Upon the failure of any bond election, a subsequent bond election may be called after the expiration of six months from the date of the bond election which failed.

Committee Amendment 4

Section 2 of S. B. No. 223 is amended to read as follows:

Section 2. The District shall comprise all of the territory contained within the following described area and being entirely within Harris County, Texas:

Being a tract of land in the William M. Jones Survey, Abstract No. 482, Harris County, Texas. Said tract of land being bounded on the North by Spencer Highway, on the East by Harris County Water Control & Improvement District No. 56, on the South by Fairmont Parkway and on the West by the herein described boundary. Said tract of land being fully described by metes and bounds as follows:

Beginning at an iron pipe for corner at the intersection of the south line of Spencer Highway based on a width of 100 feet and the West line of Canada Drive based on a width of 60 feet;

THENCE North $89^{\circ}25'58''$ East with said South line of Spencer Highway, a distance of 3719.55 feet to an iron pipe for corner;

THENCE South $0^{\circ}38'00''$ East with a west line of said Harris County Water Control & Improvement District No. 56 boundary, a distance of 4563.76 feet to a point for corner in the North line of Fairmont Parkway, 250 feet wide;

THENCE South $80^{\circ}30'00''$ West with the North line of said Fairmont Parkway, a distance of 150.01 feet to an iron rod for corner, the beginning of a curve to the right;

THENCE in a Westerly direction with the North line of said Fairmont Parkway, following said curve to the right having a radius of 5604.58 feet and a central angle of $8^{\circ}52'00''$, a distance of 867.32 feet to an iron rod for corner, the end of said curve;

THENCE South $89^{\circ}22'00''$ West with the North line of said Fairmont Parkway, a distance of 2212.55 feet to an iron pipe for corner at its intersection with the East line of Lot 712 of the W. B. Lawrence LaPorte Outlots Subdivision according to map thereof recorded in Volume 83, Page 544 of the Deed Records of Harris County, Texas;

THENCE North $0^{\circ}37'02''$ West with the East line of said Lot 712, passing its Northeast corner at 892.98 feet and continuing on across an 80-foot wide road shown on said map of the W. B. Lawrence LaPorte

Outlots Subdivision for a total distance of 972.98 feet to the Southwest corner of Lot 706 of said Subdivision;

THENCE North $89^{\circ}22'58''$ East with the South line of said Lot 706, a distance of 484.0 feet to its Southeast corner;

THENCE North $0^{\circ}37'02''$ West with the East line of said Lot 706, passing its Northeast corner at 900.0 feet and continuing on with the East line of Lot 693 of said Subdivision for a total distance of 1800.0 feet to the Northeast corner of said Lot 693;

THENCE South $89^{\circ}22'58''$ West with the North line of said Lot 693, passing its Northwest corner at 484.0 feet and continuing on with the North line of Lot 692 of said Subdivision, passing its Northwest Corner at 968.0 feet, and continuing on with the North line of Lot 691 of said Subdivision for a total distance of 980.20 feet to an iron rod for corner;

THENCE North $0^{\circ}37'02''$ West, a distance of 1885.04 feet to the point of beginning, containing 345.34 acres of land, more or less.

The House amendments were read.

Senator Brooks moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

Yeas—30

Aikin	Herring
Bates	Hightower
Bernal	Jordan
Berry	Kennard
Blanchard	Mauzy
Brooks	Parkhouse
Christie	Patman
Cole	Ratliff
Connally	Reagan
Creighton	Schwartz
Grover	Strong
Hall	Wade
Hardeman	Watson
Harrington	Wilson
Hazlewood	Word

Absent—Excused

Moore

Senate Bill 261 on Second Reading

On motion of Senator Cole and by unanimous consent, the regular

order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 261, A bill to be entitled "An Act relating to creation of the Fourteenth Supreme Judicial District, with the court to be held in Houston; amending Articles 198 and 1817, Revised Civil Statutes of Texas, 1925, as amended, and Section 2, Chapter 421, Acts of the 55th Legislature, Regular Session, 1957 (Article 1817a, Vernon's Texas Civil Statutes); and declaring an emergency."

The bill was read second time and passed to engrossment.

Record of Vote

Senator Hardeman asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

Senate Bill 261 on Third Reading

Senator Cole moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 261 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—24

Aikin	Harrington
Bates	Hazlewood
Bernal	Herring
Berry	Hightower
Blanchard	Jordan
Brooks	Kennard
Christie	Patman
Cole	Reagan
Connally	Schwartz
Creighton	Wade
Grover	Watson
Hall	Word

Nays—5

Hardeman	Ratliff
Mauzy	Strong
Parkhouse	

Absent

Wilson

Absent—Excused

Moore

The President then laid the bill

before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Record of Votes

Senators Mauzy, Hardeman and Ratliff asked to be recorded as voting "Nay" on the final passage of the bill.

Message From the House

Hall of the House of Representatives
Austin, Texas,
May 16, 1967.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 1047, A bill to be entitled "An Act amending Section 27, Senate Bill No. 36, page 544, General Laws of the State of Texas, Acts of the Forty-sixth Legislature, Regular Session, 1939, as amended by House Bill No. 611, Chapter 562, page 914, General and Special Laws of the State of Texas, Forty-seventh Legislature, Regular Session, 1941, as last amended by Section 2, Chapter 150, Acts of the Fifty-sixth Legislature, Regular Session, 1959 (Article 695c, Vernon's Texas Civil Statutes); authorizing the State Comptroller to establish two special funds in the State Treasury to be known as the "Department of Public Welfare Administration Operating Fund" and the "Department of Public Welfare Assistance Operating Fund"; authorizing the transfer of assistance funds from the special assistance funds into the "Medical Assistance Fund"; authorizing the expenditure of such funds within constitutional limitations and appropriations; fixing the effective date; providing a repealing clause; providing a saving clause; and declaring an emergency."

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Senate Bill 215 With House Amendments

Senator Blanchard called S. B. No. 215 from the President's Table for consideration of the House amendments to the bill.

The President laid the bill and the following House amendments before the Senate:

Committee Amendment 1

Amend Quoted Section 10 in Section 4 of S. B. No. 215 after the paragraph ending "to inspect and accredit educational programs of courses of study in real estate and to establish standards of accreditation for such programs conducted in the State of Texas," on page 7 of the printed bill, by adding the following language:

"No requirement to show proof of a course of study in real estate courses shall be made of a person who is licensed as a Real Estate Broker at the effective date of this Act.

The requirement of an examination and the course requirements specified in this section do not apply to any applicant for issuance or renewal of a Real Estate Broker's or Real Estate Salesman's license who has served for at least four years as a member of the Texas Legislature."

Amendment 1

Amend S. B. No. 215 by adding a new subsection (e) under Section 4:

The examination and course requirements under the provisions of this Act shall not apply to any individual who held a license for at least one year and whose license expires while said individual is on active duty with the armed forces of the United States, provided he makes proper application for renewal of said license within one year after the effective date of this Act.

Amendment 2

Amend S. B. No. 215, first printing, by striking the words "accredited and approved by the Commission" in line 26 on page 3 of the bill, and by putting a period following the phrase "estate courses"; and by striking the words "approved by the Commission" in line 42 on page 3 of the bill; and by striking lines 45 through 52 on page 3 of the bill and substituting in lieu thereof the following:

"Any applicant for a license as a real estate broker or real estate salesman may submit a certification of any university, college or junior college which is a member of the Association of Texas Colleges and Universities, or

from any privately owned school approved by the Commission other than accredited institutions of higher learning, that applicant has completed the prescribed courses for such applicant; and such certificate shall be deemed to be full compliance with the requirements of this Act for the completion of a course of study."

Amendment 3

Amend the second paragraph of Section 2 of S. B. No. 215 by striking out the following sentence:

"All valid rules and regulations of the Commission shall be for all purposes considered as provisions of this act."

Amendment 4

Amend S. B. No. 215 Section 1, by striking out all of the second paragraph of said section. Beginning on line 41 through line 51, page 1 of the printed bill.

Amendment 5

Amend Committee Amendment, by striking the last paragraph.

The House amendments were read.

Senator Blanchard moved that the Senate concur in the House amendments.

The motion prevailed.

Record of Vote

Senator Creighton asked to be recorded as voting "Nay" on the motion to concur in the House amendments.

Senate Bill 567 on Second Reading

On motion of Senator Berry and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 567, A bill to be entitled "An Act creating the 141st Judicial District and the 141st District Court of Bexar County; providing for the court's jurisdiction, terms, personnel, administration, and practice; amending Subsections (B), (E), (G), (H), (K), (M), (N), (O), and (Q), Section 4, Chapter 507, Acts of the 58th

Legislature, 1963; and declaring an emergency."

The bill was read second time and passed to engrossment.

Record of Vote

Senator Hardeman asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

Senate Bill 567 on Third Reading

Senator Berry moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 567 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Hightower
Bates	Jordan
Bernal	Kennard
Berry	Mauzy
Blanchard	Parkhouse
Brooks	Patman
Christie	Ratliff
Cole	Reagan
Connally	Schwartz
Creighton	Strong
Grover	Wade
Hall	Watson
Harrington	Wilson
Hazlewood	Word
Herring	

Nays—1

Hardeman

Absent—Excused

Moore

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Record of Vote

Senator Hardeman asked to be recorded as voting "Nay" on the final passage of the bill.

Senate Resolution 660

Senator Hightower by unanimous consent offered the following resolution:

Whereas, Alan L. Keyes, age 16, of San Antonio, Texas, has brought his state for the first time in history the Championship in the American Legion National Oratorical Finals Contest, held in Lincoln, Nebraska; and

Whereas, Young Keyes, a junior student at Robert G. Cole High School in San Antonio, is the first person of the Negro race to win the championship; he is the son of Sgt. Maj. and Mrs. Allison Keyes of San Antonio and as the winner of the state contest and then the representative of Region 6, including the states of Texas, Arkansas, Louisiana, and Mississippi, he outspoke winners from Maryland, Kansas and California to win the championship and a \$4,000 scholarship to the college of his choice; and

Whereas, The winning speech was entitled "Blessings of Liberty Are the Blessings of Life"; the four final contestants were required to present an eight to ten-minute prepared speech on the United States Constitution and to speak extemporaneously three to five minutes on one of the amendments to the constitution drawn after the contest was in progress; and

Whereas, The Senate of Texas wishes to congratulate Alan L. Keyes on his victory and to commend him for the hard work, enterprise, and patriotic endeavor which brought to him and his own State of Texas this Championship of the American Legion's 30th National High School Oratorical Contest; now, therefore, be it

Resolved, That the Senate of the 60th Legislature, by this Resolution, express appreciation to Alan L. Keyes for the honor which he has brought to Texas in winning the American Legion's National High School Oratorical Contest; and, be it further

Resolved, That this outstanding young Texas citizen be and is hereby invited to visit the Senate of the State of Texas on Thursday, May 18, 1967, and to deliver before this body his winning speech on "Blessings of Liberty Are the Blessings of Life."

HIGHTOWER
BERNAL
BERRY
CONNALLY
JORDAN

The resolution was read and was adopted.

Senate Bill 335 Ordered Not Printed

On motion of Senator Hall and by unanimous consent S. B. No. 335 was ordered not printed.

**House Bills and Resolutions
on First Reading**

The following bills and resolutions received from the House, were read the first time and referred to the Committees indicated:

H. B. No. 53, to Committee on Water and Conservation.

H. B. No. 74, to Committee on Jurisprudence.

H. B. No. 78, to Committee on Counties, Cities and Towns.

H. B. No. 79, to Committee on Counties, Cities and Towns.

H. B. No. 80, to Committee on Counties, Cities and Towns.

H. B. No. 137, to Committee on Water and Conservation.

H. B. No. 175, to Committee on Water and Conservation.

H. B. No. 550, to Committee on Water and Conservation.

H. B. No. 611, to Committee on Counties, Cities and Towns.

H. B. No. 656, to Committee on Counties, Cities and Towns.

H. B. No. 697, to Committee on Banking.

H. B. No. 809, to committee on Water and Conservation.

H. B. No. 896, to Committee on Education.

H. B. No. 901, to Committee on Insurance.

H. B. No. 1068, to Committee on Insurance.

H. B. No. 1076, to Committee on Finance.

H. B. No. 1078, to Committee on Game and Fish.

H. B. No. 1118, to Committee on Finance.

H. B. No. 1137, to Committee on Education.

H. B. No. 1148, to Committee on Counties, Cities and Towns.

H. B. No. 1213, to Committee on Water and Conservation.

H. B. No. 1242, to Committee on Water and Conservation.

H. B. No. 1283, to Committee on Education.

H. B. No. 1290, to Committee on Counties, Cities and Towns.

H. B. No. 1296, to Committee on Education.

H. J. R. No. 49, to Committee on Constitutional Amendments.

H. J. R. No. 50, to Committee on Constitutional Amendments.

H. C. R. No. 33, to Committee on Jurisprudence.

H. C. R. No. 40, to Committee on Jurisprudence.

H. C. R. No. 61, to Committee on Jurisprudence.

H. C. R. No. 63, to Committee on Jurisprudence.

H. C. R. No. 69, to Committee on Jurisprudence.

H. C. R. No. 84, to Committee on Jurisprudence.

H. C. R. No. 88, to Committee on Jurisprudence.

H. C. R. No. 98, to Committee on Jurisprudence.

H. C. R. No. 108, to Committee on Jurisprudence.

H. C. R. No. 113, to Committee on Jurisprudence.

H. C. R. No. 116, to Committee on Jurisprudence.

H. B. No. 1047, to Committee on Finance.

**Committee Substitute
Senate Bill 168 on Second Reading**

On motion of Senator Brooks and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C. S. S. B. No. 168, A bill to be entitled "An Act making unlawful the use of force or violence, or threats thereof, to prevent, or attempt to prevent, any person from engaging in lawful and peaceful picketing within this state, thereby supplementing the existing provisions of law which now make such conduct unlawful to prevent, or attempt to prevent, any person from engaging in any lawful vocation within this state and providing penalties for the violation thereof; making it unlawful for any person acting in concert with other persons to assemble at or near where a labor dispute exists and prevent or attempt to prevent by force or violence any person from engaging in lawful and peaceful picketing within this state, and making it unlawful to encourage and aid such unlawful assemblage thereby supplementing existing provisions of law which now make such conduct unlawful to prevent or attempt to prevent by force or violence any person from engaging in a lawful vocation and providing penalties for the violation thereof; amending Sections 1 and 2, Chapter 100, Acts of the 47th Legislature, Regular Session, 1941 (Article 1621b, Vernon's Texas Penal Code); making the provisions of this Act cumulative of existing laws; providing a saving clause; and declaring an emergency."

The bill was read second time and passed to engrossment.

Committee Substitute Senate Bill 168 on Third Reading

Senator Brooks moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that C. S. S. B. No. 168 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Harrington
Bates	Hazlewood
Bernal	Herring
Berry	Hightower
Brooks	Jordan
Christie	Kennard
Cole	Mauzy
Connally	Parkhouse
Creighton	Patman
Hall	Ratliff
Hardeman	Reagan

Schwartz	Wilson
Strong	Word
Watson	

Nays—3

Blanchard	Wade
Grover	

Absent—Excused

Moore

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Record of Vote

Senator Grover asked to be recorded as voting "Nay" on the final passage of the bill.

Bills and Resolutions Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled bills and resolutions:

S. C. R. No. 71, Commending Hal A. Beckwith for dedicated service to State and Nation.

S. C. R. No. 72, Commending Shrine of Texas for their hospital facilities made available to children of Texas.

S. C. R. No. 73, Authorizing a correction in S. B. No. 530.

S. B. No. 232, A bill to be entitled "An Act relating to the annual salaries of assistants to the county school superintendent in certain counties; and declaring an emergency."

S. B. No. 323, A bill to be entitled "An Act relating to the extension of loads on certain motor vehicles beyond the rear of the vehicle; amending Chapter 73, Acts of the 54th Legislature, 1955, as amended by adding a Section 3a (Article 827a-3, Vernon's Texas Penal Code); and declaring an emergency."

S. B. No. 331, A bill to be entitled "An Act relating to the protection of horned toads (*Phrynosoma* sp.) from commercial exploitation; providing a penalty; and declaring an emergency."

Senate Bill 521 on Second Reading

On motion of Senator Bernal and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 521, A bill to be entitled "An Act to protect the blind and incapacitated pedestrians on public streets and highways; requiring vehicles to come to a full stop in certain cases; restricting the use of certain colored canes by other pedestrians; and imposing penalties. Amending Section 1, Chapter 76, Acts of the 52nd Legislature, Regular Session, 1951."

The bill was read second time and passed to engrossment.

Senate Bill 521 on Third Reading

Senator Bernal moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 521 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Herring
Bates	Hightower
Bernal	Jordan
Berry	Kennard
Blanchard	Mauzy
Brooks	Parkhouse
Christie	Patman
Cole	Ratliff
Connally	Reagan
Creighton	Schwartz
Grover	Strong
Hall	Wade
Hardeman	Watson
Harrington	Wilson
Hazlewood	Word

Absent—Excused

Moore

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Senate Bill 466 with House Amendments

Senator Kennard called S. B. No. 466 from the President's Table for consideration of the House amendments to the bill.

The President laid the bill and the following House amendments before the Senate:

Amendment 1

Amend S. B. No. 466 by striking the sentence beginning on line 17, page 2 "In any . . . Land" ending on line 20, page 2.

Amendment 1

Amend quoted Section 7 of S. B. No. 466 to read as follows:

"Section 7. The judge of the Court of Domestic Relations Number 2 of Tarrant County is elected in accordance with the terms of Section 65, Article XVI, Constitution of the State of Texas. He is subject to removal for the same reasons and in the same manner as is provided by the Constitution and laws of this state for removal of District Judges. Vacancies in the office shall be filled by appointment by the governor."

The House amendments were read.

Senator Kennard moved that the Senate concur in the House amendments.

The motion prevailed.

Senate Bill 467 With House Amendments

Senator Kennard called S. B. No. 467 from the President's Table for consideration of the House amendments to the bill.

The President laid the bill and the following House amendments before the Senate:

Amendment 1

Amend S. B. No. 467 by deleting the following language from section

three of the printed bill: "In any and all cases enumerated or included above the Court of Domestic Relations Number 1 shall have all jurisdictional powers and authority now or hereafter placed in the District Courts or Courts of Domestic Relations, over matters affecting title to land."

Amendment 1

Amend S. B. No. 467 as follows:

(1) Add the designation "Number 1" after the phrase "Court of Domestic Relations" in each place that the phrase "Court of Domestic Relations" appears in quoted Sections 5 and 6 of the bill.

(2) Amend quoted Section 7 to read as follows:

"Section 7. The Judge of the Court of Domestic Relations Number 1 of Tarrant County is elected in accordance with the terms of Section 65, Article XVI, Constitution of the State of Texas. He is subject to removal for the same reasons and in the same manner as is provided by the Constitution and laws of this state for removal of District Judges. Vacancies in the office shall be filled by appointment by the governor."

(3) Strike the word "of" in the phrase "the said Court of Judge thereof" in quoted Section 12 of the bill and insert in its place the word "or."

The House amendments were read.

Senator Kennard moved that the Senate concur in the House amendments.

The motion prevailed.

Senate Bill 505 on Second Reading

On motion of Senator Blanchard and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 505, A bill to be entitled "An Act relating to regulating motor vehicle traffic upon the highways of this state; regulating motor vehicle equipment; etc., and declaring an emergency."

The bill was read second time.

Senator Blanchard offered the following Committee Amendment to the bill:

Amend S. B. No. 505 by striking all below the enacting clause and substituting the following:

"Section 1. Section 2, Chapter 421, Acts of the 50th Legislature, 1947, as last amended by Chapter 365, Acts of the 59th Legislature, Regular Session, 1965 (Article 6701d, Vernon's Texas Civil Statutes), is amended by amending Subsection (e) and adding Subsections (f) through (l) to read as follows:

"(e) School Bus. Every motor vehicle that complies with the color and identification requirements set forth in the most recent edition of Minimum Standards for School Buses and is used to transport children to or from school or in connection with school activities, but not including buses operated by common carriers in urban transportation of school children.

"(f) Bicycle. Every device propelled by human power upon which any person may ride, having tandem wheels either of which is more than 20 inches in diameter.

"(g) Implement of Husbandry. Every vehicle designed and adapted exclusively for agricultural, horticultural or livestock-raising operations or for lifting or carrying an implement of husbandry and in either case not subject to registration if used upon the highways.

"(h) Light Truck. Any truck, as defined in this Act, with a manufacturer's rated carrying capacity not to exceed two thousand (2,000) pounds and is intended to include those trucks commonly known as pickup trucks, panel delivery trucks and carryall trucks.

"(i) Motor-driven Cycle. Every motorcycle, including every motor scooter, with a motor which produces not to exceed 5 brake horsepower (brake horsepower developed by a prime mover, as measured by a brake applied to the driving shaft), and every bicycle with motor attached.

"(j) Passenger Car. Every motor vehicle, except motorcycles and motor-driven cycles, designed for carrying ten (10) passengers or less and used for the transportation of persons.

"(k) Special Mobile Equipment. Every vehicle not designed or used primarily for the transportation of persons or property and only incidentally operated or moved over a highway, including but not limited to: ditch-digging apparatus, well-boring apparatus and road construction and maintenance machinery such as asphalt spreaders, bituminous mixers, bucket loaders, tractors other than truck-tractors, ditchers, leveling graders, finishing machines, motor graders, road rollers, scarifiers, earth-moving carryalls and scrapers, power shovels and draglines, and self-propelled cranes and earth-moving equipment. The term does not include house trailers, dump trucks, truck mounted transit mixers, cranes or shovels, or other vehicles designed for the transportation of persons or property to which machinery has been attached.

"(l) Trackless Trolley Coach. Every motor vehicle which is propelled by electric power obtained from overhead trolley wires but not operated upon rails.

"Sec. 2. Subsection (d), Section 5, Chapter 421, Acts of the 50th Legislature, 1947 (Article 6701d, Vernon's Texas Civil Statutes), is amended to read as follows:

"(d) House Trailer. A trailer or semitrailer

"(1) which is designed, constructed and equipped as a dwelling place, living abode or sleeping place (either permanently or temporarily) and is equipped for use as a conveyance on streets and highways; or

"(2) whose chassis and exterior shell is designed and constructed for use as a house trailer, as defined in Subdivision (1), but which is used instead permanently or temporarily for the advertising, sales, display or promotion of merchandise or services, or for any other commercial purpose except the transportation of property for hire or the transportation of property for distribution by a private carrier.

"Sec. 3. Subsection (b), Section 8, Chapter 421, Acts of the 50th Legislature, 1947 (Article 6701d, Vernon's Texas Civil Statutes), is amended to read as follows:

"(b) Flammable Liquid. Any liquid which has a flash point of 70° F., or

less, as determined by a tagliabue or equivalent closed-cup test device.

"Sec. 4. Section 9, Chapter 421, Acts of the 50th Legislature, 1947 (Article 6701d, Vernon's Texas Civil Statutes), is amended by adding Subsections (c) and (d) to read as follows:

"(c) State. A state, territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico or a province of the Dominion of Canada.

"(d) Urban District. The territory contiguous to and including any street which is built up with structures devoted to business, industry or dwelling houses situated at intervals of less than one hundred (100) feet for a distance of a quarter of a mile or more.

"Sec. 5. Subsections (d) and (e), Section 10, Chapter 421, Acts of the 50th Legislature, 1947 (Article 6701d, Vernon's Texas Civil Statutes), are amended to read as follows:

"(d) Owner. A person, other than a lienholder, having the property in or title to a vehicle. The term includes a person entitled to the use and possession of a vehicle subject to a security interest in another person, but excludes a lessee under a lease not intended as security.

"(e) Nonresident. Every person who is not a resident of this State.

"Sec. 6. Section 13, Chapter 421, Acts of the 50th Legislature, 1947 (Article 6701d, Vernon's Texas Civil Statutes), is amended by amending Subsections (c) and (f) and adding Subsection (h) to read as follows:

"(c) Roadway. That portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two or more separate roadways the term 'roadway' as used herein shall refer to any such roadway separately but not to all such roadways collectively.

"(f) Through Highway. Every highway or portion thereof on which vehicular traffic is given preferential right-of-way, and at the entrances to which vehicular traffic from intersecting highways is required by law to yield right-of-way to vehicles on such through highway in obedience to either a stop sign or a yield sign, when such signs are erected as provided in this Act.

"(h) Arterial Street. Any U. S. or State numbered route, controlled access highway, or other major radial or circumferential street or highway designated by local authorities within their respective jurisdictions as part of a major arterial system of streets or highway.

"Sec. 7. Subsection (a), Section 17, Chapter 421, Acts of the 50th Legislature, 1947 (Article 6701d, Vernon's Texas Civil Statutes), is amended to read as follows:

"(a) Business District. The territory contiguous to and including a highway when within any six hundred (600) feet along such highway there are buildings in use for business or industrial purposes, including but not limited to hotels, banks, or office buildings, railroad stations and public buildings which occupy at least three hundred (300) feet of frontage on one side or three hundred (300) feet collectively on both sides of the highway.

"Sec. 8. Section 20, Chapter 421, Acts of the 50th Legislature, 1947 (Article 6701d, Vernon's Texas Civil Statutes), is amended to read as follows:

"Sec. 20. Right-of-Way. The right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other.

"Sec. 9. Article I, Chapter 421, Acts of the 50th Legislature, 1947, as amended (Article 6701d, Vernon's Texas Civil Statutes), is amended by adding Subdivision IV to read as follows:

"Subdivision IV—Miscellaneous
Definitions

"Section 20A. Daytime and Night-time. 'Daytime' means from one half ($\frac{1}{2}$) hour before sunrise to one half ($\frac{1}{2}$) hour after sunset, and 'night-time' means at any other hour.

"Section 20B. Driveaway-towaway Operation. Any operation in which any motor vehicle, trailer or semi-trailer, singly or in combination, new or used, constitutes the commodity being transported, when one set or more of wheels of any such vehicle are on the roadway during the course of the transportation, whether or not

any such vehicle furnishes the motive power.

"Section 20C. Gross Weight. The weight of a vehicle without load plus the weight of any load thereon.

"Section 20D. Nonresident's Operating Privilege. The privilege conferred upon a nonresident by the laws of this State pertaining to the operation by such person of a motor vehicle, or the use of a vehicle owned by such person, in this State.

"Section 20E. Park or Parking. Means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.

"Section 20F. Stand or Standing. Means the halting of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in receiving or discharging passengers.

"Section 20G. Stop. When required means complete cessation from movement.

"Section 20H. Stop or Stopping. When prohibited means any halting even momentarily of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control sign or signal.

"Sec. 10. Section 21, Chapter 421, Acts of the 50th Legislature, 1947 (Article 6701d, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 21. Provisions of Act Refer to Vehicles upon the Highways—Exceptions. The provisions of this Act relating to the operation of vehicles refer exclusively to the operation of vehicles upon highways except:

"1. Where a different place is specifically referred to in a given section.

"2. The provisions of Articles IV and V of this Act and Articles 802, 802b, and 802c, Penal Code of Texas, 1925, shall apply upon highways and elsewhere throughout the State.

"Sec. 11. Section 24, Chapter 421, Acts of the 50th Legislature, 1947 (Article 6701d, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 24. Additional Exceptions.

(a) Unless specifically made applicable, the provisions of this chapter except those contained in Article V of this Act and Articles 802b, 802c, and 802e, Penal Code of Texas, 1925, shall not apply to persons, teams, motor vehicles and other equipment while actually engaged in work upon the surface of a highway but shall apply to such persons and vehicles when traveling to or from such work.

"(b) The driver of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, but subject to the conditions herein stated.

"(c) The driver of an authorized emergency vehicle may:

"1. Park or stand, irrespective of the provisions of this chapter;

"2. Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;

"3. Exceed the maximum speed limits so long as he does not endanger life or property;

"4. Disregard regulations governing direction of movement or turning in specified directions.

"(d) The exemptions herein granted to an authorized emergency vehicle shall apply only when such vehicle is making use of audible and visual signals meeting the requirements of Section 124 of this Act, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible from in front of the vehicle.

"(e) The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others.

"(f) The provisions of this Act applicable to the drivers of vehicles upon the highways shall apply to the drivers of all vehicles owned or operated by the United States, this tract, or any other political subdivision or any county, city, town, division of the State, subject to such

specific exceptions as are set forth in this Act with reference to authorized emergency vehicles.

"Sec. 12. Section 32, Chapter 421, Acts of the 50th Legislature, 1947 (Article 6701d, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 32. Obedience to and Required Traffic-Control Devices. (a) The driver of any vehicle and the motorman of any streetcar shall obey the instructions of any official traffic-control device applicable thereto placed in accordance with the provisions of this Act, unless otherwise directed by a traffic or police officer, subject to the exceptions granted the driver of an authorized emergency vehicle in this Act.

"(b) No provision of this Act for which signs are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official sign is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that signs are required, such section shall be effective even though no signs are erected or in place.

"(c) Whenever official traffic-control devices are placed in position approximately conforming to the requirements of this Act, such devices shall be presumed to have been so placed by the official act or direction of lawful authority, unless the contrary shall be established by competent evidence.

"(d) Any official traffic-control device placed pursuant to the provisions of this Act and purporting to conform to the lawful requirements pertaining to such devices shall be presumed to comply with the requirements of this Act, unless the contrary shall be established by competent evidence.

"Sec. 13. Section 33, Chapter 421, Acts of the 50th Legislature, 1947 (Article 6701d, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 33. Traffic-Control Signal Legend. Whenever traffic is controlled by traffic-control signals exhibiting different colored lights, or colored lighted arrows, successively one at a time or in combination, only the colors Green, Red and Yellow shall be used, except for special pedestrian

signals carrying a word legend, and said lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

"(a) Green indication.

"1. Vehicular traffic facing a circular green signal may proceed straight through or turn right or left unless a sign at such place prohibits either such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.

"2. Vehicular traffic facing a green arrow signal, shown alone or in combination with another indication, may cautiously enter the intersection only to make the movement indicated by such arrow, or such other movement as is permitted by other indications shown at the same time. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

"3. Unless otherwise directed by a pedestrian-control signal, as provided in Section 34, pedestrians facing any green signal, except when the sole green signal is a turn arrow, may proceed across the roadway within any marked or unmarked crosswalk.

"(b) Steady yellow indication.

"1. Vehicular traffic facing a steady yellow signal is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter when vehicular traffic shall not enter the intersection.

"2. Pedestrians facing a steady yellow signal, unless otherwise directed by a pedestrian-control signal as provided in Section 34, are thereby advised that there is insufficient time to cross the roadway before a red indication is shown and no pedestrian shall then start to cross the roadway.

"(c) Steady red indication

"1. Vehicular traffic facing a steady red signal alone shall stop before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until a green indication is shown or the signal is placed on flashing operation.

"2. Unless otherwise directed by

a pedestrian-control signal as provided in Section 34, pedestrians facing a steady red signal alone shall not enter the roadway.

"(d) In the event an official traffic-control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made at the signal.

"(e) The motorman of any street-car shall obey the above signals as applicable to vehicles.

"Sec. 14. Section 34, Chapter 421, Acts of the 50th Legislature, 1947 (Article 6701d, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 34. Pedestrian - Control Signals. Whenever special pedestrian-control signals exhibiting the words 'Walk,' 'Don't Walk,' or 'Wait' are in place such signals shall indicate as follows:

"(a) Walk. — Pedestrians facing such signals may proceed across the roadway in the direction of the signal and shall be given the right-of-way by the drivers of all vehicles.

"(b) Don't Walk or Wait. No pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed his crossing on the 'Walk' signal shall proceed to a sidewalk or safety island while the 'Don't Walk' or 'Wait' signal is showing.

"Sec. 15. Section 35, Chapter 421, Acts of the 50th Legislature, 1947 (Article 6701d, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 35. Flashing Signals. (a) Whenever an illuminated red or yellow signal is used in a traffic sign or signal it shall require obedience by vehicular traffic as follows:

"1. Flashing red (stop signal). When a red lens is illuminated by rapid intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a limit line when marked, or, if none, then before entering the intersection, and the right to proceed shall be subject to the rules appli-

cable after making a stop at a stop sign.

"2. Flashing yellow (caution signal). When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through an intersection or past such signal only with caution.

"(b) This section does not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by the rules as set forth in Section 86 of this Act.

"Sec. 16. Chapter 421, Acts of the 50th Legislature, 1947, as amended (Article 6701d, Vernon's Texas Civil Statutes), is amended by adding Section 35A to read as follows:

"Section 35A. Lane-Direction-Control Signals. When lane-direction-control signals are placed over the individual lanes of a street or highway, vehicular traffic may travel in any lane over which a green signal is shown, but shall not enter or travel in any lane over which a red signal is shown.

"Sec. 17. Section 50, Chapter 421, Acts of the 50th Legislature, 1947 (Article 6701d, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 50. Persons Under the Influence of Drugs. (a) It is unlawful and punishable as provided in Subsection (b) of this section for any person who is an habitual user of or under the influence of any narcotic drug or who is under the influence of any other drug to a degree which renders him incapable of safely driving a vehicle to drive a vehicle within this State. The fact that any person charged with a violation of this section is or has been entitled to use such drug under the laws of this State shall not constitute a defense against any charge of violating this section.

"(b) Every person who is convicted of a violation of Subsection (a) of this section shall be punished by imprisonment for not less than ten (10) days nor more than one (1) year, or by fine of not less than One Hundred Dollars (\$100) nor more than One Thousand Dollars (\$1,000), or by both such fine and imprisonment. On a second or subsequent conviction under this section he shall be punished by imprisonment for not less than ninety (90) days nor more than one (1) year, and, in the dis-

cretion of the court, a fine of not more than One Thousand Dollars (\$1,000).

"The director shall revoke the license or permit to drive and any nonresident operating privilege of any person convicted under Subsection (a) of this section.

"Sec. 18. Chapter 421, Acts of the 50th Legislature, 1947, as amended (Article 6701d, Vernon's Texas Civil Statutes), is amended by adding Section 50A to read as follows:

"Section 50A. Homicide by Vehicle. (a) Whoever shall unlawfully and unintentionally cause the death of another person while engaged in the violation of any state law or municipal ordinance applying to the operation or use of a vehicle or streetcar or to the regulation of traffic shall be guilty of homicide when such violation is the proximate cause of said death.

"(b) Any person convicted of homicide by vehicle shall be fined not less than Five Hundred Dollars (\$500) nor more than Two Thousand Dollars (\$2,000), or shall be imprisoned in the county jail not less than three (3) months nor more than one (1) year, or may be so fined and so imprisoned, or shall be imprisoned in the penitentiary for a term not less than one (1) year nor more than five (5) years.

"Sec. 19. Section 51, Chapter 421, Acts of the 50th Legislature, 1947 (Article 6701d, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 51. Reckless Driving. (a) Any person who drives any vehicle in willful or wanton disregard for the safety of persons or property is guilty of reckless driving.

"(b) Every person convicted of reckless driving shall be punished upon a first conviction by imprisonment for a period of not less than five (5) days nor more than ninety (90) days, or by fine of not less than Twenty-five Dollars (\$25) nor more than Five Hundred Dollars (\$500), or by both such fine and imprisonment, and on a second or subsequent conviction shall be punished by imprisonment for not less than ten (10) days nor more than six (6) months, or by a fine of not less than Fifty Dollars (\$50) nor more than One Thousand Dollars (\$1,000), or by both such fine and imprisonment.

"Section 20. Section 52, Chapter

421, Acts of the 50th Legislature, 1947 (Article 6701d, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 52. Drive on Right Side of Roadway—Exceptions.

"(a) Upon all roadways of sufficient width a vehicle shall be driven upon the right half of the roadway, except as follows:

"1. When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement;

"2. When an obstruction exists making it necessary to drive to the left of the center of the highway; provided, any person so doing shall yield the right-of-way to all vehicles traveling in the proper direction upon the unobstructed portion of the highway within such distance as to constitute an immediate hazard;

"3. Upon a roadway divided into three marked lanes for traffic under the rules applicable thereon; or

"4. Upon a roadway designated and signposted for one-way traffic.

"(b) Upon all roadways any vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven in the right-hand lane then available for traffic, or as close as practicable to the right-hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway.

"(c) Upon any roadway having four or more lanes for moving traffic and providing for two-way movement of traffic, no vehicle shall be driven to the left of the center line of the roadway, except when authorized by official traffic control devices designating certain lanes to the left side of the center of the roadway for use by traffic not otherwise permitted to use such lanes, or except as permitted under Subsection (a) (2) hereof. However, this subsection shall not be construed as prohibiting the crossing of the center line in making a left turn into or out of an alley, private road, or driveway.

"Sec. 21. Subsection (a), Section 55, Chapter 421, Acts of the 50th Legislature, 1947 (Article 6701d, Vernon's Texas Civil Statutes), is amended to read as follows:

"(a) The driver of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:

"1. When the vehicle overtaken is making or about to make a left turn;

"2. Upon a street or highway with unobstructed pavement not occupied by parked vehicles of sufficient width for two or more lines of moving vehicles in each direction;

"3. Upon a one-way street, or upon any roadway on which traffic is restricted to one direction of movement, where the roadway is free from obstructions and of sufficient width for two (2) or more lines of moving vehicles.

"Sec. 22. Section 56, Chapter 421, Acts of the 50th Legislature, 1947 (Article 6701d, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 56. Limitations on Overtaking on the Left. No vehicle shall be driven to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless authorized by the provisions of this Act and unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the operation of any vehicle approaching from the opposite direction or any vehicle overtaken. In every event the overtaking vehicle must return to an authorized lane of travel as soon as practicable and in the event the passing movement involves the use of a lane authorized for vehicles approaching from the opposite direction, before coming within two hundred (200) feet of any approaching vehicle.

"Sec. 23. Subsection (a), Section 57, Chapter 421, Acts of the 50th Legislature, 1947 (Article 6701d, Vernon's Texas Civil Statutes), is amended to read as follows:

"(a) No vehicle shall at any time be driven to the left side of the roadway under the following conditions:

"1. When approaching the crest of a grade or upon a curve in the highway where the driver's view is obstructed within such distance as to create a hazard in the event another vehicle might approach from the opposite direction;

"2. When approaching within one

hundred (100) feet of or traversing any intersection or railroad grade crossing;

"3. When the view is obstructed upon approaching within one hundred (100) feet of any bridge, viaduct or tunnel.

"Sec. 24. Section 58, Chapter 421, Acts of the 50th Legislature, 1947 (Article 6701d, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 58. No-Passing Zones.

(a) The State highway commission on State highways under their jurisdiction, and local authorities on highways under their jurisdiction, are authorized to determine those portions of any highway under their appropriate jurisdiction where overtaking and passing or driving to the left of the roadway would be especially hazardous and may by appropriate signs or markings on the roadway indicate the beginning and end of such zones and when such signs or markings are in place and clearly visible to an ordinarily observant person every driver of a vehicle shall obey the directions thereof.

"(b) Where signs or markings are in place to define a no-passing zone as set forth in Subsection (a) no driver shall at any time drive on the left side of the roadway within such no-passing zone or on the left side of any pavement striping designed to mark such no-passing zone throughout its length. However, this subsection shall not be construed as prohibiting the crossing of such pavement striping, or the center line within a no passing zone marked by signs only, in making a left turn into or out of an alley, private road, or driveway.

"Sec. 25. Section 60, Chapter 421, Acts of the 50th Legislature, 1947 (Article 6701d, Vernon's Texas Civil Statutes), is amended by amending Subsection (b) and adding Subsection (d) to read as follows:

"(b) Upon a roadway which is divided into three (3) lanes and provides for two-way movement of traffic, a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle traveling in the same direction when such center lane is clear of traffic within a safe distance, or in preparation for making a left turn or where such center lane is at the time allocated exclusively to traffic moving in the same direction that the vehicle

is proceeding and such allocation is designated by official traffic-control devices.

"(d) Official traffic-control devices may be installed prohibiting the changing of lanes on sections of roadway and drivers of vehicles shall obey the directions of every device.

"Sec. 26. Section 62, Chapter 421, Acts of the 50th Legislature, 1947 (Article 6701d, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 62. Driving on Divided Highways. Whenever any highway has been divided into two (2) or more roadways by leaving an intervening space or by a physical barrier or clearly indicated dividing section so constructed as to impede vehicular traffic, every vehicle shall be driven only upon the right-hand roadway unless directed or permitted to use another roadway by official traffic-control devices or police officers. No vehicle shall be driven over, across or within any such dividing space, barrier or section, except through an opening in such physical barrier or dividing section or space or at a crossover or intersection as established, unless specifically prohibited by public authority.

"Sec. 27. Section 64, Chapter 421, Acts of the 50th Legislature, 1947 (Article 6701d, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 64. Restrictions on Use of Controlled-Access Roadway. The State highway commission may by resolution or order entered in its minutes and local authorities may by ordinance with respect to any limited-access or controlled-access roadway under their respective jurisdictions prohibit the use of any such roadway by parades, funeral processions, pedestrians, bicycles, or other non-motorized traffic, or by any person operating a motor-driven cycle.

"The State highway commission or the local authority adopting any such prohibitory regulation shall erect and maintain official signs on the limited-access or controlled-access roadway on which such regulations are applicable and when so erected no person shall disobey the restrictions stated on such signs.

"Sec. 28. Section 65, Chapter 421, Acts of the 50th Legislature, 1947 (Article 6701d, Vernon's Texas Civil

Statutes), is amended to read as follows:

"Section 65. Required Position and Method of Turning at Intersections. The driver of a vehicle intending to turn at an intersection shall do so as follows:

"(a) Right turns.—Both the approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway.

"(b) Left turns on two-way roadways.—At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of such center line where it enters the intersection and after entering the intersection the left turn shall be made so as to leave the intersection to the right of the center line of the roadway being entered. Whenever practicable the left turn shall be made in that portion of the intersection to the left of the center of the intersection.

"(c) Left turns on other than two-way roadways. At any intersection where traffic is restricted to one direction on one or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left-hand lane lawfully available to traffic moving in such direction upon the roadway being entered.

"(d) The State Highway Department and local authorities in their respective jurisdictions may cause markers, buttons or signs to be placed within or adjacent to intersections and thereby require and direct that a different course from that specified in this section be traveled by vehicles turning at an intersection, and when markers, buttons or signs are so placed no driver of a vehicle shall turn a vehicle at an intersection other than as directed and required by such markers, buttons or signs.

"Sec. 29. Section 66, Chapter 421,

Acts of the 50th Legislature, 1947 (Article 6701d, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 66. Turning on Curve or Crest of Grade Prohibited. No vehicle shall be turned so as to proceed in the opposite direction upon any curve, or upon the approach to or near the crest of a grade, where such vehicle cannot be seen by the driver of any other vehicle approaching from either direction within five hundred (500) feet.

"Sec. 30. Subsections (a) and (d), Section 68, Chapter 421, Acts of the 50th Legislature, 1947, as amended by Chapter 358, Acts of the 59th Legislature, Regular Session, 1965 (Article 6701d, Vernon's Texas Civil Statutes), are amended to read as follows:

"(a) No person shall turn a vehicle at an intersection unless the vehicle is in proper position upon the roadway as required in Section 65, or turn a vehicle to enter a private road or driveway, or otherwise turn a vehicle from a direct course or move right or left upon a roadway unless and until such movement can be made with reasonable safety. No person shall so turn any vehicle without giving an appropriate signal in the manner hereinafter provided.

"(d) The signals provided for in Section 69 of this Act shall be used to indicate an intention to turn, change lanes, or start from a parked position and shall not be flashed on one side only on a parked or disabled vehicle, or flashed as a courtesy or 'do pass' signal to operators of other vehicles approaching from the rear.

"Sec. 31. Section 69, Chapter 421, Acts of the 50th Legislature, 1947, as amended by Chapter 149, Acts of the 52nd Legislature, Regular Session, 1951 (Article 6701d, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 69. Signals by Hand and Arm or Signal Lamps. (a) Any stop or turn signal when required herein shall be given either by means of the hand and arm or by signal lamps, except as otherwise provided in Subsection (b).

"(b) Any motor vehicle in use on a highway shall be equipped with, and required signal shall be given by, signal lamps when the distance from the center of the top of the steering post to the left outside limit of the

body, cab or load of such motor vehicle exceeds 24 inches, or when the distance from the center of the top of the steering post to the rear limit of the body or load thereof exceeds 14 feet. The latter measurement shall apply to any single vehicle, also to any combination of vehicles.

"Sec. 32. Section 72, Chapter 421, Acts of the 50th Legislature, 1947 (Article 6701d, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 72. Vehicle Turning Left. The driver of a vehicle intending to turn to the left within an intersection or into an alley, private road, or driveway shall yield the right-of-way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard.

"Sec. 33. Section 73, Chapter 421, Acts of the 50th Legislature, 1947 (Article 6701d, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 73. Vehicle Entering Stop or Yield Intersection.

"(a) Preferential right-of-way at an intersection may be indicated by stop signs or yield signs as authorized in Subsection (a) of Section 91 of this Act.

"(b) Except when directed to proceed by a police officer or traffic-control signal, every driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop as required by Subsection (b) of Section 91A and after having stopped shall yield the right-of-way to any vehicle which has entered the intersection from another highway or which is approaching so closely on said highway as to constitute an immediate hazard during the time when such driver is moving across or within the intersection.

"(c) The driver of a vehicle approaching a yield sign shall in obedience to such sign slow down to a speed reasonable for the existing conditions and shall yield the right-of-way to any vehicle in the intersection or approaching on another highway so closely as to constitute an immediate hazard during the time such driver is moving across or within the intersection. Provided, however, that if such a driver is involved in a collision with a vehicle in the intersection, after driving past a yield sign without stopping, such collision

shall be deemed prima facie evidence of his failure to yield right-of-way.

Sec. 34. Subsection (a), Section 75, Chapter 421, Acts of the 50th Legislature, 1947 (Article 6701d, Vernon's Texas Civil Statutes), is amended to read as follows:

"(a) Upon the immediate approach of an authorized emergency vehicle making use of audible and visual signals meeting the requirements of Section 124 of this Act, or of a police vehicle properly and lawfully making use of an audible signal only:

"1. The driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.

"2. Upon the approach of an authorized emergency vehicle, as above stated, the motorman of every street-car shall immediately stop such car clear of any intersection and keep it in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.

"Sec. 35. Section 78, Chapter 421, Acts of the 50th Legislature, 1947 (Article 6701d, Vernon's Texas Civil Statutes), is amended by adding Subsection (d) to read as follows:

"(d) No pedestrian shall cross a roadway intersection diagonally unless authorized by official traffic-control devices; and, when authorized to cross diagonally, pedestrians shall cross only in accordance with the official traffic-control devices pertaining to such crossing movements.

"Sec. 36. Section 79, Chapter 421, Acts of the 50th Legislature, 1947 (Article 6701d, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 79. Drivers to Exercise Due Care. Notwithstanding the foregoing provisions of this article every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any obviously confused or incapacitated person upon a roadway.

"Sec. 37. Section 81, Chapter 421,

Acts of the 50th Legislature, 1947 (Article 6701d, Vernon's Texas Civil Statutes), is amended by amending Subsection (c) and adding Subsection (d) to read as follows:

"(c) No person shall stand in a roadway for the purpose of soliciting a ride, employment or business from the occupant of any vehicle.

"(d) No person shall stand on or in proximity to a street or highway for the purpose of soliciting the watching or guarding of any vehicle while parked or about to be parked on a street or highway.

"Sec. 38. Section 86, Chapter 421, Acts of the 50th Legislature, 1947 (Article 6701d, Vernon's Texas Civil Statutes), is amended by adding Subsection (e) to read as follows:

"(e) No person shall drive any vehicle through, around or under any crossing gate or barrier at a railroad crossing while such gate or barrier is closed or is being opened or closed.

"Sec. 39. Section 87, Chapter 421, Acts of the 50th Legislature, 1947 (Article 6701d, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 87. All Vehicles Must Stop at Certain Railroad Grade Crossings. The State Highway Commission and local authorities with respect to highways under their respective jurisdictions are hereby authorized to designate particularly dangerous highway grade crossings of railroads and to erect stop signs or other standard traffic control devices thereat. When such stop signs or other standard traffic control devices are erected, the driver of any vehicle shall stop within fifty (50) feet but not less than fifteen (15) feet from the nearest rail of such railroad and shall proceed only upon exercising due care.

"Sec. 40. Section 90, Chapter 421, Acts of the 50th Legislature, 1947 (Article 6701d, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 90. Moving Heavy Equipment at Railroad Grade Crossings. (a) No person shall operate or move any crawler-type tractor, steam shovel, derrick, roller, or any equipment or structure having a normal operating speed of ten (10) or less miles per hour or a vertical body or load clearance of less than one-half inch per foot of the distance between any two (2) adjacent axles or in any

event of less than nine (9) inches, measured above the level surface of a roadway, upon or across any tracks at a railroad grade crossing without first complying with this section.

"(b) Notice of any such intended crossing shall be given to a station agent of such railroad and a reasonable time be given to such railroad to provide proper protection at such crossing.

"(c) Before making any such crossing the person operating or moving any such vehicle or equipment shall first stop the same not less than fifteen (15) feet nor more than fifty (50) feet from the nearest rail of such railroad and while so stopped shall listen and look in both directions along such track for any approaching train and for signals indicating the approach of a train, and shall not proceed until the crossing can be made safely.

"(d) No such crossing shall be made when warning is given by automatic signal or crossing gates or a flagman or otherwise of the immediate approach of a railroad train or car. If a flagman is provided by the railroad, movement over the crossing shall be under his direction.

"Sec. 41. Section 91, Chapter 421, Acts of the 50th Legislature, 1947 (Article 6701d, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 91. Authority to Designate Through Highways and 'Stop' and 'Yield' intersections. (a) The State Highway commission with reference to State, and local authorities with reference to other highways under their jurisdiction may designate through highways and erect stop or yield signs at specified entrances thereto or may designate any intersection as a stop intersection or as a yield intersection and erect like signs at one or more entrances to such intersection.

"(b) Every said sign shall conform to the manual and specifications for uniform traffic-control devices as adopted by the State highway commission. Every stop or yield sign shall be located as near as practicable at the nearest line of the crosswalk thereat, or, if none, at the nearest line of the roadway.

"Sec. 42. Chapter 421, Acts of the 50th Legislature, 1947, as amended

(Article 6701d, Vernon's Texas Civil Statutes), is amended by adding Section 91A to read as follows:

"Section 91A. Stop Signs and Yield Signs. (a) Preferential right-of-way at an intersection may be indicated by stop signs or yield signs as authorized in Section 91 of this Act.

"(b) Except when directed to proceed by a police officer or traffic-control signal, every driver of a vehicle and every motorman of a streetcar approaching a stop intersection indicated by a stop sign shall stop before entering the crosswalk on the near side of the intersection or, in the event there is no crosswalk, shall stop at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection.

"(c) The driver of a vehicle approaching a yield sign if required for safety to stop shall stop before entering the crosswalk on the near side of the intersection or, in the event there is no crosswalk, at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway.

"Sec. 43. Section 92, Chapter 421, Acts of the 50th Legislature, 1947 (Article 6701d, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 92. Emerging from Alley, Driveway or Building. The driver of a vehicle within a business or residence district emerging from an alley, driveway or building shall stop such vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across any alleyway or driveway, and shall yield the right-of-way to any pedestrian as may be necessary to avoid collision, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on said roadway.

"Sec. 44. Section 93, Chapter 421, Acts of the 50th Legislature, 1947, as amended by Chapter 307, Acts of the 56th Legislature, Regular Session, 1959 (Article 6701d, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 93. Stopping, Standing, or Parking Outside of Business or Resi-

dence Districts. (a) Upon any highway outside of a business or residence district no person shall stop, park, or leave standing any vehicle, whether attended or unattended, upon the paved or main-traveled part of the highway when it is practicable to stop, park, or so leave such vehicle off such part of said highway, but in every event an unobstructed width of the highway opposite a standing vehicle shall be left for the free passage of other vehicles and a clear view of such stopped vehicle shall be available from a distance of two hundred (200) feet in each direction upon such highway.

"(b) This section shall not apply to the driver of any vehicle which is disabled while on the paved or main-traveled portion of a highway in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving such disabled vehicle in such position.

"Sec. 45. Section 95, Chapter 421, Acts of the 50th Legislature, 1947 (Article 6701d, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 95. Stopping, Standing or Parking Prohibited in Specified Places. (a) Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or official traffic-control device, no person shall:

"1. Stop, stand or park a vehicle:

"a. On the roadway side of any vehicle stopped or parked at the edge or curb of a street;

"b. On a sidewalk;

"c. Within an intersection;

"d. On a crosswalk;

"e. Between a safety zone and the adjacent curb or within thirty (30) feet of points on the curb immediately opposite the ends of a safety zone, unless the governing body of any incorporated city, town or village indicates a different length by signs or markings;

"f. Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic;

"g. Upon any bridge or other elevated structure upon a highway or within a highway tunnel;

"h. On or within fifteen (15) feet of any railroad;

"i. At any place where official signs prohibit stopping.

"2. Stand or park a vehicle,

whether occupied or not, except momentarily to pick up or discharge a passenger or passengers:

"a. In front of a public or private driveway;

"b. Within fifteen (15) feet of a fire hydrant;

"c. Within twenty (20) feet of a crosswalk at an intersection;

"d. Within thirty (30) feet upon the approach to any flashing signal, stop sign or traffic-control signal located at the side of a roadway;

"e. Within twenty (20) feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five (75) feet of said entrance (when properly signposted);

"f. At any place where official signs prohibit standing.

"3. Park a vehicle, whether occupied or not, except temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers:

"a. Within fifty (50) feet of the nearest rail of a railroad crossing;

"b. At any place where official signs prohibit parking.

"(b) No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such a distance as is unlawful.

"Sec. 46. Section 96, Chapter 421, Acts of the 50th Legislature, 1947 (Article 6701d, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 96. Additional Parking Regulations. (a) Except as otherwise provided in this section, every vehicle stopped or parked upon a two-way roadway shall be so stopped or parked with the right-hand wheels parallel to and within twelve (12) inches of the right-hand curb or edge of the roadway.

"(b) Except when otherwise provided by local ordinance, every vehicle stopped or parked upon a one-way roadway shall be so stopped or parked parallel to the curb or edge of the roadway, in the direction of authorized traffic movement, with its right-hand wheels within twelve (12) inches of the right-hand curb or edge of the roadway, or its left-hand wheels within twelve (12) inches of the left-hand curb or edge of the roadway.

"(c) Local authorities may by ordinance permit angle parking on

any roadway, except that angle parking shall not be permitted on any Federal-aid or State highway unless the State highway engineer has determined that the roadway is of sufficient width to permit angle parking without interfering with the free movement of traffic.

"(d) The State highway department with respect to highways under its jurisdiction may place signs prohibiting or restricting the stopping, standing or parking of vehicles on any highway where in the opinion of the State highway engineer, such stopping, standing or parking is dangerous to those using the highway or where the stopping, standing or parking of vehicles would unduly interfere with the free movement of traffic thereon. Such signs shall be official signs and no person shall stop, stand or park any vehicle in violation of the restrictions stated on such signs.

"Sec. 47. Section 97, Chapter 421, Acts of the 50th Legislature, 1947 (Article 6701d, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 97. Unattended Motor Vehicle. No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition, removing the key and effectively setting the brake thereon and, when standing upon any grade, turning the front wheels to the curb or side of the highway.

"Sec. 48. Subsection (a), Section 99, Chapter 421, Acts of the 50th Legislature, 1947 (Article 6701d, Vernon's Texas Civil Statutes), is amended to read as follows:

"(a) The driver of any motor vehicle when traveling upon a down grade shall not coast with the gears of such vehicle in neutral.

"Sec. 49. Section 104, Chapter 421, Acts of the 50th Legislature, 1947, as amended (Article 6701d, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 104. Overtaking and Passing School Bus. (a) The driver of a vehicle upon a highway outside of a business or residence district upon meeting or overtaking from either direction any school bus which has stopped on the highway for the purpose of receiving or discharging any school children shall stop the vehicle before reaching such school bus when

there is in operation on said school bus a visual signal as specified in Section 124 of this Act, and said driver shall not proceed until such school bus resumes motion or is signaled by the schoolbus driver to proceed or the visual signals are no longer actuated.

"(b) Every bus used for the transportation of school children shall bear upon the front and rear thereof plainly visible signs containing the words 'SCHOOL BUS' in letters not less than eight (8) inches in height, and in addition shall be equipped with visual signals meeting the requirements of Section 124 of this Act, which shall be actuated by the driver of said school bus whenever but only whenever such vehicle is stopped on the highway outside of a business or residence district for the purpose of receiving or discharging school children.

"(c) When a school bus is being operated upon a highway for purposes other than the actual transportation of children either to or from school, all markings thereon indicating 'school bus' shall be covered or concealed.

"(d) The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or passing a school bus which is on a different roadway or when upon a controlled-access highway and the school bus is stopped in a loading zone which is a part of or adjacent to such highway and where pedestrians are not permitted to cross the roadway.

"Sec. 50. Section 108, Chapter 421, Acts of the 50th Legislature, 1947 (Article 6701d, Vernon's Texas Civil Statutes), is amended by adding Subsections (d), (e), (f), and (g) to read as follows:

"(d) The Department is hereby authorized to approve or disapprove equipment, material and lighting devices as referred to in Article XIV, and to issue and enforce regulations not inconsistent with law, establishing standards and specifications for their approval, installation and adjustment when in use on motor vehicles. Such regulations shall correlate with, and, insofar as practicable, conform to the then current standards and specifications of the Society of Automotive Engineers, Vehicle Equipment Safety Commission, or in its discretion any other recognized organization which

sets standards for such equipment, material and lighting equipment.

"(e) The Department is further authorized to establish the procedure which shall be followed when any device is submitted for approval. Any person, firm, or corporation, may submit to the Department any such lamp, device, equipment, or material, required to be approved by the Department, and to make application that the same be tested as to conformity with the requirements of the law and the regulations of the Department. Upon such application being made, the Department shall cause such test to be made as may be necessary to determine whether to approve or disapprove. Each such applicant shall, upon the filing of his application, pay to the Department of Public Safety a fee of Fifteen Dollars (\$15). All such fees shall be paid by the Department into the State Treasury to be deposited in the Operator's and Chauffeur's License Fund. The Department may recognize the American Association of Motor Vehicle Administrator's certificate of equipment approval or in its discretion a certificate from any other recognized testing organization as evidence that the minimum standards prescribed have been satisfied.

"(f) When the Department has reason to believe that an approved device as being sold commercially does not comply with the requirements of this Chapter, the Department may, after giving thirty (30) days previous notice to the person holding the certificate of approval for such device in this State, conduct a hearing upon the question of compliance of said approved device. After said hearing the Department shall determine whether said approved device meets the requirements of this Chapter. If said device does not meet the requirements of this Chapter the Department shall give notice to the person holding the certificate of approval for such device in this State. If, at the expiration of ninety (90) days after such notice, the person holding the certificate of approval for such device has failed to satisfy the Department that said approved device as thereafter to be sold meets the requirements of this Chapter, the Department shall suspend or revoke the approval issued therefor until or unless such device is resubmitted to and retested by an authorized testing agency

and is found to meet the requirements of this Chapter, and may require that all said devices sold since the notification following the hearing be replaced with devices that do comply with the requirements of this Chapter. The Department may at the time of the retest purchase in the open market and submit to the testing agency one or more sets of such approved devices and if such device upon such retest fails to meet the requirements of this Chapter, the Department may refuse to renew the certificate of approval of such device.

"(g) Any order or act of the Department under the provisions of this section may be subject to review within ten (10) days' notice thereof by appeal to the District Court at the instance of any party in interest and in the county wherein the person aggrieved by such order or act resides, and such Court is hereby vested with jurisdiction. The proceeding on appeal shall be a trial de novo as such term is commonly used and intended in an appeal from the Justice Court to the County Court, and the burden of proof shall be on the Department.

"Sec. 51. Section 108B, Chapter 421, Acts of the 50th Legislature, 1947, as last amended by Chapter 141, Acts of the 57th Legislature, Regular Session, 1961 (Article 6701d, Vernon's Texas Civil Statutes), is repealed.

"Sec. 52. Section 109, Chapter 421, Acts of the 50th Legislature, 1947 (Article 6701d, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 109. When Lighted Lamps Are Required—Visibility—Height. (a) Every vehicle upon a highway within this State at anytime from a half hour after sunset to a half hour before sunrise and at any other time, when, due to insufficient light or unfavorable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of five hundred (500) feet ahead shall display lighted lamps and illuminating devices as hereinafter respectively required for different classes of vehicles, subject to exceptions with respect to parked vehicles, and further that stop lights, turn signals and other signaling devices shall be lighted as prescribed for the use of such devices.

"(b) Whenever requirement is hereinafter declared as to distance from which certain lamps and de-

vices shall render objects visible or within which such lamps or devices shall be visible, said provisions shall apply during the times stated in Section 109 in respect to a vehicle without load when upon a straight level, unlighted highway under normal atmospheric conditions unless a different time or condition is expressly stated.

"(c) Whenever requirement is hereinafter declared as to the mounted height of lamps or devices, it shall mean from the center of such lamp or device to the level ground upon which the vehicle stands when such vehicle is without a load.

"Sec. 53. Section 110, Chapter 421, Acts of the 50th Legislature, 1947 (Article 6701d, Vernon's Texas Civil Statutes), is amended by adding Subsection (c) to read as follows:

"(c) Every head lamp upon every motor vehicle, including every motorcycle and motor-driven cycle, shall be located at a height measured from the center of the head lamp of not more than fifty-four (54) inches nor less than twenty-four (24) inches to be measured as set forth in Subsection (c) of Section 109.

"Sec. 54. Subsection (a), Section 111, Chapter 421, Acts of the 50th Legislature, 1947 (Article 6701d, Vernon's Texas Civil Statutes), is amended to read as follows:

"(a) Every motor vehicle, trailer, semitrailer and pole trailer, and any other vehicle which is being drawn at the end of a combination of vehicles, shall be equipped with at least two (2) tail lamps mounted on the rear, which, when lighted as required in Section 109, shall emit a red light plainly visible from a distance of one thousand (1,000) feet to the rear, except that passenger cars manufactured or assembled prior to January 1, 1948, and motorcycles and motor-driven cycles, shall have at least one (1) tail lamp. On a combination of vehicles, only the tail lamps on the rearmost vehicle need actually be seen from the distance specified. On vehicles equipped with more than one (1) tail lamp, the lamps shall be mounted on the same level and as widely spaced laterally as practicable. Every tail lamp upon every vehicle shall be located at a height of not more than seventy-two (72) inches nor less than twenty (20) inches.

"Sec. 55. Section 112, Chapter 421, Acts of the 50th Legislature, 1947, as amended by Chapter 213, Acts of the 57th Legislature, Regular Session, 1961 (Article 6701d, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 112. Reflectors. (a) Every motor vehicle, trailer, semitrailer and pole trailer shall carry on the rear, either as a part of the tail lamps or separately, two (2) or more red reflectors meeting the requirements of this section, except that motorcycles and motor-driven cycles shall carry at least one (1) such reflector; provided, however, that vehicles of the types mentioned in Section 114 shall be equipped with reflectors meeting the requirements of Section 116, 117 and 118.

"(b) Every such reflector shall be mounted on the vehicle at a height not less than twenty (20) inches nor more than sixty (60) inches measured as set forth in Section 117, and shall be of such size and characteristics and so mounted as to be visible at night from all distances within three hundred fifty (350) feet to one hundred (100) feet from such vehicle when directly in front of lawful upper beams of head lamps, except that visibility from a greater distance is hereinafter required of reflectors on certain types of vehicles.

"Sec. 56. Section 113, Chapter 421, Acts of the 50th Legislature, 1947 (Article 6701d, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 113. Application of Succeeding Sections. Those sections of this chapter which follow immediately, including Sections 114, 115, 116, 117, and 119, relating to clearance lamps, marker lamps and reflectors, shall apply as stated in said sections to vehicles of the type therein enumerated, namely buses, trucks, truck tractors, and trailers, semitrailers and pole trailers, respectively, when operated upon any highway, and said vehicles shall be equipped as required and all lamp equipment required shall be lighted at the times mentioned in Section 109.

"Sec. 57. Section 114, Chapter 421, Acts of the 50th Legislature, 1947 (Article 6071d, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 114. Additional Lighting Equipment Required on Certain Ve-

hicles. In addition to other equipment required in Sections 110, 111, 112, and 113 of this Act, the following vehicles shall be equipped as herein stated under the conditions stated in Section 113, and in addition, the reflectors elsewhere enumerated for such vehicles shall conform to the requirements of Section 118.

"(a) Buses and trucks (80) inches or more in overall width:

"1. On the front, two (2) clearance lamps, one (1) at each side, and on vehicles manufactured or assembled after January 1, 1968, three (3) identification lamps meeting the specifications of Subdivision (f).

"2. On the rear, two (2) clearance lamps, one (1) at each side, and after January 1, 1968, three (3) identification lamps meeting the specifications of Subdivision (f).

"3. On each side, two (2) side marker lamps, one (1) at or near the front and one (1) at or near the rear.

"4. On each side, two (2) reflectors, one (1) at or near the front and one (1) at or near the rear.

"(b) Trailers and semitrailers eighty (80) inches or more in overall width:

"1. On the front, two (2) clearance lamps, one (1) at each side.

"2. On the rear, two (2) clearance lamps, one (1) at each side, and after January 1, 1968, three (3) identification lamps meeting the specifications of Subdivision (f).

"3. On each side, two (2) side marker lamps, one (1) at or near the front and one (1) at or near the rear.

"4. On each side, two (2) reflectors, one (1) at or near the front and one (1) at or near the rear.

"(c) Truck tractors:

"On the front, two (2) cab clearance lamps, one (1) at each side, and on vehicles manufactured or assembled after January 1, 1968, three (3) identification lamps meeting the specifications of Subdivision (f).

"(d) Trailers, semitrailers and pole trailers thirty (30) feet or more in overall length:

"On each side, one (1) amber side marker lamp and one (1) amber reflector, centrally located with respect to the length of the vehicle.

"(e) Pole trailers:

"1. On each side, one (1) amber side marker lamp at or near the front of the load.

"2. One (1) amber reflector at or near the front of the load.

"3. On the rearmost support for the load, one (1) combination marker lamp showing amber to the front and red to the rear and side, mounted to indicate maximum width of the pole trailer.

"(f) Whenever required or permitted by this Act, identification lamps shall be grouped in a horizontal row, with lamp centers spaced not less than six (6) nor more than twelve (12) inches apart, and mounted on the permanent structure of the vehicle as close as practicable to the vertical centerline; provided, however, that where the cab of a vehicle is not more than forty-two (42) inches wide at the front roof line, a single identification lamp at the center of the cab shall be deemed to comply with the requirements for front identification lamps.

"Sec. 58. Section 115, Chapter 421, Acts of the 50th Legislature, 1947 (Article 6701d, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 115. Color of Clearance Lamps, Identification Lamps, Side Marker Lamps, Back-up Lamps and Reflectors. (a) Front clearance lamps, identification lamps and those marker lamps and reflectors mounted on the front or on the side near the front of a vehicle shall display or reflect an amber color.

"(b) Rear clearance lamps, identification lamps and those marker lamps and reflectors mounted on the rear or on the sides near the rear of a vehicle shall display or reflect a red color.

"(c) All lighting devices and reflectors mounted on the rear of any vehicle shall display or reflect a red color, except the stop light or other signal device, which may be red, amber or yellow, and except that the light illuminating the license plate shall be white and the light emitted by a back-up lamp shall be white or amber.

"Sec. 59. Section 117, Chapter 421, Acts of the 50th Legislature, 1947 (Article 6701d, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 117. Visibility Requirements for Reflectors, Clearance Lamps, Identification Lamps and Other Marker Lamps.

"(a) Every reflector upon any vehicle referred to in Section 114 shall be of such size and characteristics and so maintained as to be readily visible at night-time from all distances within six hundred (600) feet to one hundred (100) feet from the vehicle when directly in front of lawful upper beams of head lamps: Reflectors required to be mounted on the sides of the vehicle shall reflect the required color of light to the sides, and those mounted on the rear shall reflect a red color to the rear.

"(b) Front and rear clearance lamps and identification lamps shall be capable of being seen and distinguished under normal atmospheric conditions at the times lights are required at all distances between five hundred (500) and fifty (50) feet from the front and rear, respectively, of the vehicle.

"(c) Side marker lamps shall be capable of being seen and distinguished under normal atmospheric conditions at the times lights are required at all distances between five hundred (500) and fifty (50) feet from the side of the vehicle on which mounted.

"Sec. 60. Section 118, Chapter 421, Acts of the 50th Legislature, 1947 (Article 6701d, Vernon's Texas Civil Statutes) is amended to read as follows:

"Section 118. Stop Lamps and Turn Signals. (a) Every motor vehicle, trailer, semitrailer and pole trailer shall be equipped with two (2) or more stop lamps meeting the requirements of Section 124, except that passenger cars manufactured or assembled prior to January 1, 1948, and motorcycles and motor-driven cycles shall be equipped with at least one (1) stop lamp. On a combination of vehicles, only the stop lamps on the rearmost vehicle need actually be seen from the distance specified in Section 124.

"(b) Every motor vehicle, trailer, semitrailer and pole trailer shall be equipped with electric turn signal lamps meeting the requirements of Section 124, except that passenger cars and trucks less than eighty (80) inches in width, manufactured or assembled prior to January 1, 1948, and motorcycles and motor-driven cycles need not be equipped with electric turn signal lamps.

"Sec. 61. Section 120, Chapter 421, Acts of the 50th Legislature, 1947

(Article 6701d, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 120. Lamps or Flags on Projecting Load. Whenever the load upon any vehicle extends to the rear four (4) feet or more beyond the bed or body of such vehicle there shall be displayed at the extreme rear end of the load, at the times specified in Section 109, two (2) red lamps, visible from a distance of at least five hundred (500) feet to the rear, two (2) red reflectors meeting the requirements of Section 117, visible from the rear and located so as to indicate maximum width, and on each side one (1) red lamp, visible from a distance of at least five hundred (500) feet to the side, located so as to indicate maximum overhang. There shall be displayed at all other times on any vehicle having a load which extends beyond its sides or more than four (4) feet beyond its rear, red flags, not less than twelve (12) inches square, marking the extremities of such load, at each point where a lamp would otherwise be required by this section, under Section 109.

"Sec. 62. Section 121, Chapter 421, Acts of the 50th Legislature, 1947, as amended by Chapter 135, Acts of the 56th Legislature, Regular Session, 1959 (Article 6701d, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 121. Lamps on Parked Vehicles. (a) Every vehicle shall be equipped with one (1) or more lamps which, when lighted, shall display a white or amber light visible from a distance of one thousand (1,000) feet to the front of the vehicle, and a red light visible from a distance of one thousand (1,000) feet to the rear of the vehicle. The location of said lamp or lamps shall always be such that at least one (1) lamp or combination of lamps meeting the requirements of this section is installed as near as practicable to the side of the vehicle which is closest to passing traffic. The foregoing provisions shall not apply to a motor-driven cycle.

"(b) Whenever a vehicle is lawfully parked upon a street or highway during the hours between a half hour after sunset and a half hour before sunrise and in the event there is sufficient light to reveal any person or object within a distance of one thousand (1,000) feet upon such street or highway, no lights need be

displayed upon such parked vehicle.

"(c) Whenever a vehicle is parked or stopped upon a roadway or shoulder adjacent thereto, whether attended or unattended, during the hours between a half hour after sunset and a half hour before sunrise and there is insufficient light to reveal any person or object within a distance of one thousand (1,000) feet upon such highway, such vehicle so parked or stopped shall be equipped with and shall display lamps meeting the requirements of Subsection (a).

"(d) Any lighted head lamps on a parked vehicle shall be depressed or dimmed.

"Sec. 63. Section 122, Chapter 421, Acts of the 50th Legislature, 1947 (Article 6701d, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 122. Lamps on Farm Tractors, Farm Equipment and Implements of Husbandry and Other Vehicles and Equipment. (a) Every farm tractor and every self-propelled unit of farm equipment or implement of husbandry shall at all times mentioned in Section 109 be equipped with two (2) single-beam or multiple-beam head lamps meeting the requirements of Sections 126 or 128 respectively, or, as an alternative, Section 129, and at least two (2) red lamps visible when lighted from a distance of not less than one thousand (1,000) feet to the rear, and at least two (2) red reflectors visible from all distances within six hundred (600) to one hundred (100) feet to the rear when directly in front of lawful upper beams of head lamps.

"(b) Every combination of farm tractor and towed farm equipment or towed implement of husbandry shall at all times mentioned in Section 109 be equipped with lamps as follows:

"1. The farm tractor element of every such combination shall be equipped as required in Subsection (a) of this Section.

"2. The towed unit of farm equipment or implement of husbandry element of such combination shall be equipped on the rear with two (2) red lamps visible when lighted from a distance of not less than one thousand (1,000) feet to the rear, and two (2) red reflectors visible to the rear from all distances within six hundred (600) feet to one hundred (100) feet to the rear when directly

in front of lawful upper beams of head lamps.

"(3) Said combinations shall also be equipped with a lamp displaying a white or amber light, or any shade of color between white and amber, visible when lighted from a distance of not less than one thousand (1,000) feet to the front. This lamp shall be so positioned to indicate, as nearly as practicable, the extreme left projection of the combination carrying it.

"(c) The two (2) red lamps and the two (2) red reflectors required in the foregoing subsections of this section on a self-propelled unit of farm equipment or implement of husbandry or combination of farm tractor and towed farm equipment shall be so positioned as to show from the rear as nearly as practicable the extreme width of the vehicle or combination carrying them.

"(d) Every vehicle, including animal-drawn vehicles and vehicles referred to in Subsection (c) of Section 108, not specifically required by the provisions of this article to be equipped with lamps or other lighting devices, shall at all times specified in Section 109 of this Act be equipped with at least one (1) lamp displaying a white light visible from a distance of not less than one thousand (1,000) feet to the front of said vehicle, and shall also be equipped with two (2) lamps displaying red lights visible from a distance of not less than one thousand (1,000) feet to the rear of said vehicle, or as an alternative, one (1) lamp displaying a red light visible from a distance of not less than one thousand (1,000) feet to the rear and two (2) red reflectors visible from all distances of six hundred (600) to one hundred (100) feet to the rear when illuminated by the upper beams of head lamps.

"Sec. 64. Section 123, Chapter 421, Acts of the 50th Legislature, 1947 (Article 6701d, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 123. Spot lamps and Auxiliary Driving Lamps.

"(a) Spot lamps.—Any motor vehicle may be equipped with not to exceed two (2) spot lamps and every lighted spot lamp shall be so aimed and used that no part of the high-intensity portion of the beam will strike the windshield, or any windows, mirror, or occupant of another vehicle in use.

"(b) Fog lamps.—Any motor vehicle may be equipped with not to exceed two (2) fog lamps mounted on the front at a height of not less than twelve (12) inches nor more than thirty (30) inches above the level surface upon which the vehicle stands and so aimed that when the vehicle is not loaded none of the high-intensity portion of the light to the left of the center of the vehicle shall at a distance of twenty-five (25) feet ahead project higher than a level of four (4) inches below the level of the center of the lamp from which it comes. Lighted fog lamps meeting the above requirements may be used with lower head-lamp beams as specified in Section 126.

"(c) Auxiliary passing lamps.—Any motor vehicle may be equipped with not to exceed two (2) auxiliary passing lamps mounted on the front at a height not less than twenty-four (24) inches nor more than forty-two (42) inches above the level surface upon which the vehicle stands. The provisions of Section 126 shall apply to any combination of head lamps and auxiliary passing lamps.

"(d) Auxiliary driving lamps.—Any motor vehicle may be equipped with not to exceed two (2) auxiliary driving lamps mounted on the front at a height of not less than sixteen (16) inches nor more than forty-two (42) inches above the level surface upon which the vehicle stands. The provisions of Section 126 shall apply to any combination of head lamps and auxiliary driving lamps.

"Sec. 65. Section 124, Chapter 421, Acts of the 50th Legislature, 1947 (Article 6701d, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 124. Audible and Visual Signals on Vehicles, Signal Lamps and Signal Devices. (a) Every authorized emergency vehicle shall, in addition to any other equipment and distinctive markings required by this Act, be equipped with a siren, exhaust whistle or bell capable of giving an audible signal.

"(b) Every school bus and every authorized emergency vehicle shall, in addition to any other equipment and distinctive markings required by this Act, be equipped with signal lamps mounted as high and as widely spaced laterally as practicable, which shall be capable of displaying to the front two (2) alternately flashing red lights

located at the same level and to the rear two (2) alternately flashing red lights located at the same level, and these lights shall have sufficient intensity to be visible at five hundred (500) feet in normal sunlight.

"(c) A police vehicle when used as an authorized emergency vehicle may but need not be equipped with alternately flashing red lights specified herein.

"(d) The alternately flashing lighting described in Subsections (b) and (c) of this section shall not be used on any vehicle other than a school bus or an authorized emergency vehicle.

"(e) The use of signal equipment described herein shall impose upon drivers of other vehicles the obligation to yield right-of-way and stop as prescribed by this Act.

"(f) Any vehicle may be equipped and when required under this Act shall be equipped with a stop lamp or lamps on the rear of the vehicle which shall display a red or amber light, or any shade of color between red and amber, visible from a distance of not less than three hundred (300) feet to the rear in normal sunlight, and which shall be actuated upon application of the service (foot) brake, and which may but need not be incorporated with one (1) or more other rear lamps.

"(g) Any vehicle may be equipped and when required under this Act shall be equipped with electric turn signals which shall indicate an intention to turn by flashing lights showing to the front and rear of a vehicle or on a combination of vehicles on the side of the vehicle or combination toward which the turn is to be made. The lamps showing to the front shall be mounted on the same level and as widely spaced laterally as practicable and, when signaling, shall emit white or amber light, or any shade of light between white and amber. The lamps showing to the rear shall be mounted on the same level and as widely spaced laterally as practicable, and, when signaling, shall emit a red or amber light, or any shade of color between red and amber. Turn signal lamps on vehicles eight (80) inches or more in overall width shall be visible from a distance of not less than five hundred (500) feet in normal sunlight. Turn signal lamps on vehicles less than eighty (80) inches wide shall be visible at a distance of not less than three hundred (300) feet in

normal sunlight. Turn signal lamps may, but need not be, incorporated in other lamps on the vehicle.

"Sec. 66. Subsections (c), (d), and (e), Section 125, Chapter 421, Acts of the 50th Legislature, 1947, as amended (Article 6701d, Vernon's Texas Civil Statutes), are amended to read as follows:

"(c) Any motor vehicle may be equipped with one (1) or more back-up lamps either separately or in combination with other lamps, but any such back-up lamp or lamps shall not be lighted when the motor vehicle is in forward motion.

"(d) Any vehicle may be equipped with lamps which may be used for the purpose of warning the operators of other vehicles of the presence of a vehicular traffic hazard requiring the exercise of unusual care in approaching, overtaking or passing, and when so equipped may display such warning in addition to any other warning signals required by this Act. The lamps used to display such warning to the front shall be mounted at the same level and as widely spaced laterally as practicable, and shall display simultaneously flashing white or amber lights, or any shade of color between white and amber. The lamps used to display such warning to the rear shall be mounted at the same level and as widely spaced laterally as practicable, and shall show simultaneously flashing amber or red lights, or any shade of color between amber and red. These warning lights shall be visible from a distance of not less than fifteen hundred (1,500) feet under normal atmospheric conditions at night.

"(e) Any vehicle eighty (80) inches or more in overall width, if not otherwise required by this Act, may be equipped with not more than three (3) identification lamps showing to the front which shall emit an amber light without glare and not more than three (3) identification lamps showing to the rear which shall emit a red light without glare. Such lamps shall be mounted as specified in Subdivision (f) of Section 114.

"Sec. 67. Section 126, Chapter 421, Acts of the 50th Legislature, 1947, as amended by Chapter 303, Acts of the 54th Legislature, 1955 (Article 6701d, Vernon's Texas Civil Statutes), is amended by adding a Subsection (d) to read as follows:

"(d) The head lamp or head lamps

upon every motor-driven cycle may be of the single-beam or multiple-beam type but in either event shall comply with the requirements and limitations as follows:

"1. Every said head lamp or head lamps on a motor-driven cycle should be of sufficient intensity to reveal a person or a vehicle at a distance of not less than one hundred (100) feet when the motor-driven cycle is operated at any speed less than twenty-five (25) miles per hour and at a distance of not less than two hundred (200) feet when the motor-driven cycle is operated at a speed of twenty-five (25) or more miles per hour, and at a distance of not less than three hundred (300) feet when the motor-driven cycle is operated at a speed of thirty-five (35) or more miles per hour.

"2. In the event the motor-driven cycle is equipped with a multiple-beam head lamp or head lamps the upper beam shall meet the minimum requirements set forth above and shall not exceed the limitations set forth in Subsection (a) of Section 126 and the lowermost beam shall meet the requirements applicable to a lower-most distribution of light as set forth in Subsection (b) of Section 126.

"3. In the event the motor-driven cycle is equipped with a single-beam lamp or lamps, said lamp or lamps shall be so aimed that when the vehicle is loaded none of the high-intensity portion of light, at a distance of twenty-five (25) feet ahead, shall project higher than the level of the center of the lamp from which it comes.

"Sec. 68. Subsection (c), Section 127, Chapter 421, Acts of the 50th Legislature, 1947, as amended by Chapter 303, Acts of the 54th Legislature, Regular Session, 1955 (Article 6701d, Vernon's Texas Civil Statutes), is amended to read as follows:

"(c) Whenever the driver of a vehicle approaches another vehicle from the rear, within three hundred (300) feet, such driver shall use a distribution of light permissible under this Article other than the uppermost distribution of light specified in Subsection (a) of Section 126.

"Sec. 69. Section 128, Chapter 421, Acts of the 50th Legislature, 1947 (Article 6701d, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 128. Single Beam Road Lighting Equipment. Head lamp systems which provide only a single distribution of light shall be permitted on motor vehicles manufactured and sold prior to one (1) year after the effective date of this Act in lieu of multiple-beam road-lighting equipment herein specified if the single distribution of light complies with the following requirements and limitations:

"1. The head lamps shall be so aimed that when the vehicle is not loaded none of the high intensity portion of the light shall at a distance of twenty-five (25) feet ahead project higher than a level of five (5) inches below the level of the center of the lamp from which it comes, and in no case higher than forty-two (42) inches above the level on which the vehicle stands at a distance of seventy-five (75) feet ahead.

"2. The intensity shall be sufficient to reveal persons and vehicles at a distance of at least two hundred (200) feet.

"Section. 70. Section 129, Chapter 421, Acts of the 50th Legislature, 1947 (Article 6701d, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 129. Alternate Road Lighting Equipment. Any motor vehicle may be operated under the conditions specified in Section 109 when equipped with two (2) lighted lamps upon the front thereof capable of revealing persons and objects seventy-five (75) feet ahead in lieu of lamps required in Section 126 or Section 128, provided, however, that at no time shall it be operated at a speed in excess of twenty (20) miles per hour.

"Sec. 71. Section 131, Chapter 421, Acts of the 50th Legislature, 1947, as last amended by Chapter 378, Acts of the 56th Legislature, Regular Session, 1959 (Article 6701d, Vernon's Texas Civil Statutes), is amended by adding Subsections (d), (e), (f), and (g) to read as follows:

"(d) The Department of Public Safety is authorized to adopt standards and specifications applicable to lighting equipment on and special warning devices to be carried by school buses consistent with the provisions of this Article, but supplemental thereto. Such standards and specifications shall correlate with and, so far as possible, conform to the

specifications then current as approved by the Society of Automotive Engineers.

"(e) It shall be unlawful to operate any flashing warning signal light on any school bus except when any said school bus is stopped on a highway for the purpose of permitting school children to board or alight from said school bus.

"(f) The Texas Highway Department shall adopt standards and specifications applicable to head lamps, clearance lamps, identification and other lamps on snow-removal and other highway maintenance and service equipment when operated on the highways of this State in lieu of the lamps otherwise required on motor vehicles by this Article. Such standards and specifications may permit the use of flashing lights for purposes of identification on snow-removal and other highway maintenance and service equipment when in service upon the highways. The standards and specifications for lamps referred to in this section shall correlate with and, so far as possible, conform with those approved by the American Association of State Highway Officials.

"(g) It shall be unlawful to operate any snow-removal and other highway maintenance and service equipment on any highway unless the lamps thereon comply with and are lighted when and as required by the standards and specifications adopted as provided in this section.

"Sec. 72. Section 132, Chapter 421, Acts of the 50th Legislature, 1947 as last amended by Chapter 21, Acts of the 59th Legislature, Regular Session, 1965 (Article 6701d, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 132. Brakes. Every motor vehicle, trailer, semitrailer and pole trailer, and any combination of such vehicles operating upon a highway within this State shall be equipped with brakes in compliance with the requirements of this Article.

"(a) Service brakes—adequacy—Every such vehicle and combination of vehicles, except special mobile equipment which is not designed or used primarily for the transportation of persons or property and only incidentally operated or moved on a highway, shall be equipped with service brakes complying with the per-

formance requirements as required and adequate to control the movement of and to stop and hold such vehicle under all conditions of loading, and on any grade incident to its operation.

"(b) Parking brakes—adequacy—Every such vehicle and combination of vehicles, except motorcycles and motor-driven cycles, shall be equipped with parking brakes adequate to hold the vehicle on any grade on which it is operated, under all conditions of loading, on a surface free from snow, ice, or loose material. The parking brakes shall be capable of being applied in conformance with the foregoing requirements by the driver's muscular effort or by spring action or by equivalent means. Their operation may be assisted by the service brakes or other source of power provided that failure of the service brake actuation system or other power assisting mechanism will not prevent the parking brakes from being applied in conformance with the foregoing requirements. The parking brakes shall be so designed that when once applied they shall remain applied with the required effectiveness despite exhaustion of any source of energy or leakage of any kind. The same brake drums, brake shoes and lining assemblies, brake shoe anchors and mechanical brake shoe actuation mechanism normally associated with the wheel brake assemblies may be used for both the service brakes and the parking brakes. If the means of applying the parking brakes and the service brakes are connected in any way, they shall be so constructed that failure of any one part shall not leave the vehicle without operative brakes.

"(c) Brakes on all wheels—Every vehicle shall be equipped with brakes acting on all wheels except:

"1. Trailers, semitrailers, or pole trailers of a gross weight not exceeding three thousand (3,000) pounds, provided that:

"a. The total weight on and including the wheels of the trailer or trailers shall not exceed forty (40) percent of the gross weight of the towing vehicle when connected to the trailer or trailers, and

"b. The combination of vehicles, consisting of the towing vehicle and its total towed load, is capable of complying with the performance requirements of this Act.

"2. Any vehicle being towed in

driveaway or towaway operations, provided the combination of vehicles is capable of complying with the performance requirements of this Act.

"3. Trucks and truck tractors having three (3) or more axles need not have brakes on the front wheels, except that when such vehicles are equipped with at least two (2) steerable axles, the wheels of one (1) steerable axle need not have brakes. However, such trucks and truck tractors must be capable of complying with the performance requirements of this Act.

"4. Special mobile equipment as defined in Subsection (a) above.

"5. The wheel of a sidecar attached to a motorcycle or to a motor-driven cycle, or the front wheel of a motor-driven cycle need not be equipped with brakes, provided that such motorcycle or motor-driven cycle is capable of complying with the performance requirements of this Act.

"6. Any farm trailer or farm semitrailer operated or moved temporarily upon the highways when its gross weight does not exceed ten thousand (10,000) pounds and when the speed of such farm trailer or farm semitrailer does not exceed thirty (30) miles per hour and when the vehicle and its operation meet all other requirements for total or partial exemption from registration fees as set forth in Section 2, Chapter 88, Acts of the 42nd Legislature, 2nd Called Session, 1929, as last amended by Chapter 111, Acts of the 55th Legislature, Regular Session, 1957 (Article 6675a-2, Vernon's Texas Civil Statutes.) The term 'gross weight' as used in this subsection shall mean the combined weight of the trailer or semitrailer and the weight of the load actually carried on the highway.

"7. Any farm trailer or farm semitrailer operated or moved temporarily upon the highways solely to transport cotton

"a. if the gross weight of the trailer or semitrailer is not more than fifteen thousand (15,000) pounds;

"b. if the speed of the trailer or semitrailer is not more than thirty (30) miles per hour; and

"c. if the trailer or semitrailer is totally or partially exempt from the regular registration fees under Section 2, Chapter 88, Acts of the 41st Legislature, 2nd Called Session, 1929, as amended (Article 6675a-2, Vernon's Texas Civil Statutes).

"(d) Automatic trailer brake application upon breakaway. Every trailer, semitrailer, and pole trailer equipped with air or vacuum actuated brakes and every trailer, semitrailer, and pole trailer with a gross weight in excess of three thousand (3,000) pounds, manufactured or assembled after January 1, 1968, shall be equipped with brakes acting on all wheels and of such character as to be applied automatically and promptly, and remain applied for at least fifteen (15) minutes, upon breakaway from the towing vehicle.

"(e) Tractor brakes protected. Every motor vehicle manufactured or assembled after January 1, 1968, and used to tow a trailer, semitrailer or pole trailer equipped with brakes, shall be equipped with means for providing that in case of a breakaway of the towed vehicle, the towing vehicle will be capable of being stopped by the use of its service brakes.

"(f) Trailer air reservoirs safeguarded. Air brake systems installed on trailers manufactured or assembled after January 1, 1968, shall be so designed that the supply reservoir used to provide air for the brakes shall be safeguarded against backflow of air from the reservoir through the supply line.

"(g) Two (2) means of emergency brake operation.

"1. Air brakes. After January 1, 1968, every towing vehicle, when used to tow another vehicle equipped with air controlled brakes, in other than driveaway or towaway operations, shall be equipped with two (2) means for emergency application of the trailer brakes. One of these means shall apply the brakes automatically in the event of a reduction of the towing vehicle air supply to a fixed pressure which shall be not lower than twenty (20) pounds per square inch nor higher than forty-five (45) pounds per square inch. The other means shall be a manually controlled device for applying and releasing the brakes, readily operable by a person seated in the driving seat, and its emergency position or method of operation shall be clearly indicated. In no instance may the manual means be so arranged as to permit its use to prevent operation of the automatic means. The automatic and the manual means required by this section may

be, but are not required to be, separate.

"2. Vacuum Brakes. After January 1, 1968, every towing vehicle used to tow other vehicles equipped with vacuum brakes, in operations other than driveaway or towaway operations, shall have, in addition to the single control device required by Subsection (h), a second control device which can be used to operate the brakes on towed vehicles in emergencies. The second control shall be independent of brake air, hydraulic, and other pressure, and independent of other controls, unless the braking system be so arranged that failure of the pressure upon which the second control depends will cause the towed vehicle brakes to be applied automatically. The second control is not required to provide modulated braking.

"(h) Single control to operate all brakes. After January 1, 1968, every motor vehicle, trailer, semitrailer and pole trailer, and every combination of such vehicles, except motorcycles and motor-driven cycles, equipped with brakes shall have the braking system so arranged that one control device can be used to operate all service brakes. This requirement does not prohibit vehicles from being equipped with an additional control device to be used to operate brakes on the towed vehicles. This regulation does not apply to driveaway or towaway operations unless the brakes on the individual vehicles are designed to be operated by a single control on the towing vehicle.

"(i) Reservoir capacity and check valve.

"1. Air brakes. Every bus, truck or truck tractor with air operated brakes shall be equipped with at least one (1) reservoir sufficient to insure that, when fully charged to the maximum pressure as regulated by the air compressor governor cut-out setting, a full service brake application may be made without lowering such reservoir pressure by more than twenty (20) percent. Each reservoir shall be provided with means for readily draining accumulated oil or water.

"2. Vacuum brakes. After January 1, 1968, every truck with three (3) or more axles equipped with vacuum assist type brakes and every truck tractor and truck used for towing a vehicle equipped with vacuum brakes shall be equipped with a reserve ca-

capacity or a vacuum reservoir sufficient to insure that, with the reserve capacity or reservoir fully charged and with the engine stopped, a full service brake application may be made without depleting the vacuum supply by more than forty (40) percent.

"3. Reservoir safeguarded. All motor vehicles, trailers, semitrailers and pole trailers, when equipped with air or vacuum reservoirs or reserve capacity as required by this section, shall have such reservoirs or reserve capacity so safeguarded by a check valve or equivalent device that in the event of failure or leakage in its connection to the source of compressed air or vacuum, the stored air or vacuum shall not be depleted by the leak or failure.

"(j) Warning devices.

"1. Air brakes. Every bus, truck or truck tractor using compressed air for the operation of its own brakes or the brakes of any towed vehicle, shall be provided with a warning signal, other than a pressure gauge, readily audible or visible to the driver, which will operate at any time the air reservoir pressure of the vehicle is below fifty (50) percent of the air compressor governor cut-out pressure. In addition, each such vehicle shall be equipped with a pressure gauge visible to the driver, which indicates in pounds per square inch the pressure available for braking.

"2. Vacuum brakes. After January 1, 1968, every truck tractor and truck used for towing a vehicle equipped with vacuum operated brakes and every truck with three (3) or more axles using vacuum in the operation of its brakes, except those in driveaway or towaway operations, shall be equipped with a warning signal, other than a gauge indicating vacuum, readily audible or visible to the driver, which will operate at any time the vacuum in the vehicle's supply reservoir or reserve capacity is less than eight (8) inches of mercury.

"3. Combination of warning devices. When a vehicle required to be equipped with a warning device is equipped with both air and vacuum power for the operation of its own brakes or the brakes on a towed vehicle, the warning devices may be, but are not required to be, combined into a single device which will serve both purposes. A gauge or gauges indicating pressure or vacuum shall not

be deemed to be an adequate means of satisfying this requirement.

"(k) Performance ability of brakes. Every motor vehicle and combination of vehicles, at all times and under all conditions of loading, upon application of the service brake, shall be capable of:

"1. Developing a braking force that is not less than the percentage of its gross weight tabulated herein for its classification;

"2. Decelerating to a stop from not more than twenty (20) miles per hour at not less than the feet per sec-

ond per second tabulated herein for its classification, and

"3. Stopping from a speed of twenty (20) miles per hour in not more than the distance tabulated herein for its classification, such distance to be measured from the point at which movement of the service brake pedal or control begins.

"Tests for deceleration and stopping distance shall be made on a substantially level (not to exceed plus or minus one (1) percent grade) dry, smooth, hard surface that is free from loose material.

1	2	3	4
Classification of Vehicles	Braking force as a percentage of gross vehicle or combination weight	Deceleration in feet per second per second	Brake system application and braking distance in feet from an initial speed of 20 m.p.h.
A Passenger vehicles with a seating capacity of 10 people or less including driver, not having a manufacturer's gross vehicle weight rating	52.8%	17	25
B-1 All motorcycles and motor-driven cycles	43.5%	14	30
B-2 Single unit vehicles with a manufacturer's gross vehicle weight rating of 10,000 pounds or less	43.5%	14	30
C-1 Single unit vehicles with a manufacturer's gross weight rating of more than 10,000 pounds	43.5%	14	40
C-2 Combination of a two-axle towing vehicle and a trailer with a gross trailer weight of 3,000 pounds or less	43.5%	14	40
C-3 Buses, regardless of the number of axles, not having a manufacturer's gross weight rating	43.5%	14	40
C-4 All combinations of vehicles in driveway towaway operations	43.5%	14	40
D All other vehicles and combinations of vehicles	43.5%	14	50

"(1) Maintenance of brakes. All brakes shall be maintained in good working order and shall be so adjusted as to operate as equally as practicable with respect to the wheels on the opposite sides of the vehicle.

"Sec. 73. Chapter 421, Acts of the 50th Legislature, 1947, as amended (Article 6701d, Vernon's Texas Civil Statutes), is amended by adding Sec-

tion 132A to read as follows:

"Section 132A. Brakes on Motor-Driven Cycles. (a) The Director of the Department of Public Safety is authorized to require an inspection of the braking system on any motor-driven cycle and to disapprove any such braking system on a vehicle which he finds will not comply with the performance ability standard set

forth in Subsection (k) of Section 132, or which in his opinion is equipped with a braking system that is not so designed or constructed as to insure reasonable and reliable performance in actual use.

"(b) The Texas Highway Department may refuse to register or may suspend or revoke the registration on any vehicle herein referred to in this section when it has been determined that the braking system thereon does not comply with the provisions of Subsection (k) of Section 132.

"(c) No person shall operate on any highway any vehicle referred to in this section in the event the Department of Public Safety has disapproved the braking system upon such vehicle.

"Sec. 74. Chapter 421, Acts of the 50th Legislature, 1947, as amended (Article 6701d, Vernon's Texas Civil Statutes), is amended by adding Section 134A to read as follows:

"Section 134A. Mirrors. On and after January 1, 1968, every motor vehicle, operated singly or when towing any other vehicle, shall be equipped with a mirror so located as to reflect to the driver a view of the highway for a distance of at least two hundred (200) feet to the rear of such motor vehicle.

"Sec. 75. Chapter 421, Acts of the 50th Legislature, 1947, as amended (Article 6701d, Vernon's Texas Civil Statutes), is amended by adding Section 134B to read as follows:

"Section 134B. Windshields Must be Unobstructed and Equipped with Wipers. (a) No person shall drive a motor vehicle with any sign, poster or other nontransparent material upon the front windshield, side wings or side or rear windows of such vehicle which obstructs the driver's clear view of the highway or any intersecting highway.

"(b) The windshield on every motor vehicle shall be equipped with a device for cleaning rain, snow or other moisture from the windshield, which device shall be so constructed as to be controlled or operated by the driver of the vehicle.

"(c) Every windshield wiper upon a motor vehicle shall be maintained in good working order.

"Sec. 76. Section 136, Chapter 421, Acts of the 50th Legislature, 1947, as amended by Chapter 194, Acts of the 52nd Legislature, 1951 (Article 6701d, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 136. Safety Glazing Material in Motor Vehicles. (a) On and after January 1, 1968, no person shall sell any new motor vehicle as specified herein, nor shall any new motor vehicle as specified herein be registered thereafter unless such vehicle is equipped with safety glazing material of a type approved by the Department of Public Safety whenever glazing material is used in doors, windows and windshields. The foregoing provisions shall apply to all passenger-type motor vehicles, including passenger buses and school buses, but in respect to trucks, including truck tractors, the requirements as to safety glazing material shall apply to all glazing material used in doors, windows and windshields in the driver's compartments of such vehicles.

"(b) The term 'safety glazing materials' means glazing materials so constructed, treated or combined with other materials as to reduce substantially, in comparison with ordinary sheet glass or plate glass, the likelihood of injury to persons by objects from exterior sources or by these safety glazing materials when they may be cracked or broken.

"(c) It shall be unlawful after the first day of January, 1968, for any person to replace or cause to be replaced, any glass in doors, windows or windshields in any motor vehicle, unless such replacement be made with safety glass as defined in this Act.

"Sec. 77. Section 137, Chapter 421, Acts of the 50th Legislature, 1947 (Article 6701d, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 137. Certain Vehicles to Carry Flares or Other Warning Devices. (a) No person shall operate any motor truck, passenger bus or truck tractor, or any motor vehicle towing a house trailer, upon any highway outside the corporate limits of municipalities at any time from a half hour after sunset to a half hour before sunrise unless there shall be carried in such vehicle the following equipment except as provided in Subsection (b):

"1. At least three (3) flares or three (3) red electric lanterns or three (3) portable red emergency reflectors, each of which shall be capable of being seen and distinguished at a distance of not less than six hundred (600) feet under normal atmospheric conditions at nighttime.

"No flare, fusee, electric lantern or cloth warning flag shall be used for the purpose of compliance with the requirements of this section unless such equipment has been approved by the Texas Department of Public Safety. No portable reflector unit shall be used for the purpose of compliance with the requirements of this section unless it is so designed and constructed as to include two (2) reflecting elements one above the other, each of which shall be capable of reflecting red light clearly visible from all distances within six hundred (600) feet to one hundred feet (100) feet under normal atmospheric conditions at night when directly in front of lawful upper beams of head lamps, and unless it is of a type which has been approved by the Department of Public Safety.

"2. At least three (3) red-burning fusees unless red electric lanterns or red portable emergency reflectors are carried.

"3. At least two (2) red-cloth flags, not less than twelve (12) inches square, with standards to support such flags.

"(b) No person shall operate at the time and under conditions stated in Subsection (a) any motor vehicle used for the transportation of explosives, any cargo tank truck used for the transportation of flammable liquids or compressed gases, or any motor vehicle using compressed gas as a fuel unless there shall be carried in such vehicle three (3) red electric lanterns or three (3) portable red emergency reflectors meeting the requirements of Subsection (a) of this section, and there shall not be carried in any said vehicle any flares, fusees or signal produced by flame.

"Sec. 78. Section 138, Chapter 421, Acts of the 50th Legislature, 1947 (Article 6701d, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 138. Display of Warning Devices When Vehicle Disabled. (a) Whenever any motor truck, passenger bus, truck tractor, trailer, semitrailer or pole trailer, or any motor vehicle towing a house trailer, is disabled upon the traveled portion of any highway or the shoulder thereof outside of any municipality at any time when lighted lamps are required on vehicles the driver of such vehicle shall display the following warning devices upon the highway during the time the vehicle is so dis-

abled on the highway except as provided in Subsection (b):

"1. A lighted fusee, a lighted red electric lantern or a portable red emergency reflector shall be immediately placed at the traffic side of the vehicle in the direction of the nearest approaching traffic.

"2. As soon thereafter as possible but in any event within the burning period of the fusee (15 minutes), the driver shall place three (3) liquid-burning flares (pot torches), or three (3) lighted red electric lanterns or three (3) portable red emergency reflectors on the traveled portion of the highway in the following order:

"(I) One (1), approximately one hundred (100) feet from the disabled vehicle in the center of the lane occupied by such vehicle and toward traffic approaching in that lane.

"(II) One (1), approximately one hundred (100) feet in the opposite direction from the disabled vehicle and in the center of the traffic lane occupied by such vehicle.

"(III) One (1) at the traffic side of the disabled vehicle not less than ten (10) feet rearward or forward thereof in the direction of the nearest approaching traffic. If a lighted red electric lantern or a red portable emergency reflector has been placed at the traffic side of the vehicle in accordance with Subdivision (I) of this section, it may be used for this purpose.

"(b) Whenever any vehicle referred to in this section is disabled within five hundred (500) feet of a curve, hillcrest or other obstruction to view, the warning signal in that direction shall be so placed as to afford ample warning to other users of the highway, but in no case less than one hundred (100) feet nor more than five hundred (500) feet from the disabled vehicle.

"(c) Whenever any vehicle of a type referred to in this section is disabled upon any roadway of a divided highway during the time that lights are required, the appropriate warning devices prescribed in Subsections (a) and (e) of this section shall be placed as follows:

"One (1) at a distance of approximately two hundred (200) feet from the vehicle in the center of the lane occupied by the stopped vehicle and in the direction of traffic approaching in that lane; one (1) at a distance of approximately one hundred (100) feet

from the vehicle, in the center of the lane occupied by the vehicle and in the direction of traffic approaching in that lane; one (1) at the traffic side of the vehicle and approximately ten (10) feet from the vehicle in the direction of the nearest approaching traffic.

"(d) Whenever any vehicle of a type referred to in this section is disabled upon the traveled portion of a highway or the shoulder thereof outside of any municipality at any time when the display of fusees, flares, red electric lanterns or portable red emergency reflectors is not required, the driver of the vehicle shall display two (2) red flags upon the roadway in the lane of traffic occupied by the disabled vehicle, one (1) at a distance of approximately one hundred (100) feet in advance of the vehicle, and one (1) at a distance of approximately one hundred (100) feet to the rear of the vehicle.

"(e) Whenever any motor vehicle used in the transportation of explosives or any cargo tank truck used for the transportation of any flammable liquid or compressed flammable gas, or any motor vehicle using compressed gas as a fuel, is disabled upon a highway of this State at any time or place mentioned in Subsection (a) of this section, the driver of such vehicle shall immediately display the following warning devices: one (1) red electric lantern or portable red emergency reflector placed on the roadway at the traffic side of the vehicle, and two red electric lanterns or portable red reflectors, one placed approximately one hundred (100) feet to the front and one placed approximately one hundred (100) feet to the rear of this disabled vehicle in the center of the traffic lane occupied by such vehicle. Flares, fusees or signals produced by flame shall not be used as warning devices for disabled vehicles of the type mentioned in this subsection.

"(f) The flares, fusees, red electric lanterns, portable red emergency reflectors and flags to be displayed as required in this section shall conform with the requirements of Section 137 applicable thereto.

"(g) It shall be unlawful for any person except any peace officer while acting in his official capacity, or the owner of the vehicle or his duly authorized agent or employee, to remove, damage, destroy, misplace, or

extinguish any lamp, flare, fusee, or other signaling device required under this section and Section 137 of this Act, while the same are being displayed or being used as required by this Act.

"Sec. 79. Section 139, Chapter 421, Acts of the 50th Legislature, 1947 (Article 6701d, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 139. Vehicle Transporting Explosives. The Director may promulgate regulations not inconsistent with the rules of the Interstate Commerce Commission governing the transportation of explosives and other dangerous articles by vehicles upon the highways in order to protect the public.

"Sec. 80. Section 139a, Chapter 421, Acts of the 50th Legislature, 1947 (Article 6701d, Vernon's Texas Civil Statutes), is repealed.

"Sec. 81. Chapter 421, Acts of the 50th Legislature, 1947, as last amended by Chapter 47, Acts of the 56th Legislature, Regular Session, 1959 (Article 6701d, Vernon's Texas Civil Statutes), is amended by adding Section 139A to read as follows:

"Section 139A. Safety Guards or Flaps. It shall be unlawful to operate any road tractor, truck, truck tractor in combination with a semitrailer, trailer, or semitrailer in combination with a towing vehicle, having four (4) or more tires on the rearmost axle of such vehicle or if in combination the rearmost axle of such combination, upon highways in this State, unless the rearmost axle of such road tractor, truck, truck tractor in combination with a semi-trailer, trailer, or semitrailer in combination with a towing vehicle, be equipped with safety guards or flaps of a type of material and construction as prescribed by the Department, located and suspended behind the rearmost wheels of such vehicle or if in combination behind the rearmost wheels of such combination, to within eight (8) inches of the surface of the highway. Provided, however, pole trailers, truck tractors operated alone and without being in combination with a semitrailer, and all trucks operated on private property, shall not come under the provisions of this section.

"Sec. 82. Chapter 421, Acts of the 50th Legislature, 1947, as amended (Article 6701d, Vernon's Texas Civil Statutes), is amended by adding Section 139B to read as follows:

"Section 139B. Air - Conditioning Equipment. (a) The term 'air-conditioning equipment' as used or referred to in this section shall mean mechanical vapor compression refrigeration equipment which is used to cool the driver's or passenger compartment of any motor vehicle.

"(b) Such equipment shall be manufactured, installed and maintained with due regard for the safety of the occupants of the vehicle and the public and shall not contain any refrigerant which is toxic to persons or which is flammable.

"(c) The Department of Public Safety may adopt and enforce safety requirements, regulations and specifications consistent with the requirements of this section applicable to such equipment which shall correlate with and, so far as possible, conform to the current recommended practice or standard applicable to such equipment approved by the Society of Automotive Engineers.

"(d) No person shall have for sale, offer for sale, sell or equip any motor vehicle with any such equipment unless it complies with the requirements of this section.

"(e) No person shall operate on any highway any motor vehicle equipped with any air-conditioning equipment unless said equipment complies with the requirements of this section.

"Sec. 83. Chapter 421, Acts of the 50th Legislature, 1947, as amended (Article 6701d, Vernon's Texas Civil Statutes), is amended by adding a Section 169A to read as follows:

"Section 169A. Special Speed Limitations. (a) No person shall operate any motor-driven cycle at any time mentioned in Subsection (a) of Section 109 at a speed greater than 35 miles per hour unless such motor-driven cycle is equipped with a head lamp or lamps which are adequate to reveal a person or vehicle at a distance of 300 feet ahead.

"(b) No person shall drive any vehicle equipped with solid rubber or cushion tires at a speed greater than a maximum of ten (10) miles per hour.

"(c) No person shall drive a vehicle over any bridge or other elevated structure constituting a part of a highway at a speed which is greater than the maximum speed which can be maintained with safety to such bridge or structure, when such struc-

ture is signposted as provided in this section.

"(d) The State Highway Commission upon State highways, and local authorities on highways under their jurisdiction, may conduct an investigation of any bridge or other elevated structure constituting a part of a highway, and if it shall thereupon find that such structure cannot with safety to itself withstand vehicles traveling at a speed otherwise permissible under this Act, the Commission or local authority shall determine and declare the maximum speed of vehicles which such structure can safely withstand, and shall cause or permit suitable signs stating such maximum speed to be erected and maintained before each end of such structure.

"Sec. 84. Section 170, Subsection (b), Chapter 421, Acts of the 50th Legislature, 1947, as added by Chapter 161, Acts of the 58th Legislature, 1963 (Article 6701d, Vernon's Texas Civil Statutes), is amended to read as follows:

(b) Whenever the State Highway Commission, Texas Turnpike Authority, County Commissioners Court, or the governing body of an incorporated city, town, or village, within their respective jurisdictions, as specified in Sections 167, 168, and 169, determine on the basis of an engineering and traffic investigation that slow speeds on any part of a highway consistently impede the normal and reasonable movement of traffic, the said State Highway Commission, Texas Turnpike Authority, County Commissioners Court, or governing body of an incorporated city, town, or village are hereby empowered and may determine and declare a minimum speed limit thereat or thereon, and when appropriate signs are erected, giving notice of such minimum speed limit, no person shall drive a vehicle below that limit except when necessary for safe operation or in compliance with law.

"Sec. 85. Chapter 421, Acts of the 50th Legislature, 1947, as amended (Article 6701d, Vernon's Texas Civil Statutes), is amended by adding Article XX to read as follows:

"ARTICLE XX—MISCELLANEOUS RULES

"Section 173. Limitations on Backing. (a) The driver of a vehicle shall not back the same unless such movement can be made with safety and

without interfering with other traffic.

"(b) The driver of a vehicle shall not back the same upon any shoulder or roadway of any controlled-access highway.

"Section 174. Riding on Motorcycles. A person operating a motorcycle shall ride only upon the permanent and regular seat attached thereto, and such operator shall not carry any other person nor shall any other person ride on a motorcycle unless such motorcycle is designed to carry more than one person, in which event a passenger may ride upon the permanent and regular seat if designed for two persons, or upon another seat firmly attached to the rear or side of the operator.

"Section 175. Obstruction to Driver's View or Driving Mechanism. (a) No person shall drive a vehicle when it is so loaded, or when there are in the front seat such a number of persons, exceeding three, as to obstruct the view of the driver to the front or sides of the vehicle or as to interfere with the driver's control over the driving mechanism of the vehicle.

"(b) No passenger in a vehicle or streetcar shall ride in such position as to interfere with the driver's or motorman's view ahead or to the sides, or to interfere with his control over the driving mechanism of the vehicle or streetcar.

"Section 176. Opening and Closing Vehicle Doors. No person shall open the door of a motor vehicle on the side available to moving traffic unless and until it is reasonably safe to do so, and can be done without interfering with the movement of other traffic, nor shall any person leave a door open on the side of a vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers.

"Section 177. Riding in House Trailers. No person or persons shall occupy a house trailer while it is being moved upon a public highway.

"Sec. 86. Chapter 421, Acts of the 50th Legislature, 1947, as amended (Article 6701d, Vernon's Texas Civil Statutes), is amended by adding Article XXI to read as follows:

"Article XXI — Operation of Bicycles and Play Vehicles.

"Section 178. Effect of Regulations. (a) It is a misdemeanor for any person to do any act forbidden or fail to

perform any act required in this article.

"(b) The parent of any child and the guardian of any ward shall not authorize or knowingly permit any such child or ward to violate any of the provisions of this Act.

"(c) These regulations applicable to bicycles shall apply whenever a bicycle is operated upon any highway or upon any path set aside for the exclusive use of bicycles subject to those exceptions stated herein.

"Section 179. Traffic Laws Apply to Persons Riding Bicycles. Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this Act, except as to special regulations in this article and except as to those provisions of this Act which by their nature can have no application.

"Section 180. Riding on Bicycles. (a) A person propelling a bicycle shall not ride other than upon or astride a permanent and regular seat attached thereto.

"(b) No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

"Section 181. Clinging to Vehicles. No person riding upon any bicycle, coaster, roller skates, sled or toy vehicle shall attach the same or himself to any streetcar or vehicle upon a roadway.

"Section 182. Riding on Roadways and Bicycle Paths. (a) Every person operating a bicycle upon a roadway shall ride as near to the right side of the roadways as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.

"(b) Persons riding bicycles upon a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles.

"(c) Wherever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use the roadway.

"Section 183. Carrying Articles. No person operating a bicycle shall carry any package, bundle or article which prevents the driver from keeping at least one hand upon the handle bars.

"Section 184. Lamps and Other Equipment on Bicycles. (a) Every bicycle when in use at nighttime shall

be equipped with a lamp on the front which shall emit a white light visible from a distance of at least 500 feet to the front and with a red reflector on the rear of a type approved by the department which shall be visible from all distances from 50 feet to 300 feet to the rear when directly in front of lawful upper beams of head lamps on a motor vehicle. A lamp emitting a red light visible from a distance of 500 feet to the rear may be used in addition to the red reflector.

"(b) No person shall operate a bicycle unless it is equipped with a bell or other device capable of giving a signal audible for a distance of at least 100 feet, except that a bicycle shall not be equipped with nor shall any person use upon a bicycle any siren or whistle.

"(c) Every bicycle shall be equipped with a brake which will enable the operator to make the braked wheel skid on dry, level, clean pavement.

"Sec. 87. Article 822, Penal Code of Texas, 1925, is herewith repealed.

"Sec. 88. Section 14, Chapter 421, Acts of the 50th Legislature, 1947, as amended (Article 6701d, Vernon's Texas Civil Statutes), is amended by adding a Subsection (c) to read as follows:

"(c) Notwithstanding the provisions of Subsection (b) of this Section, the State Highway Commission and local authorities may, in matters of highway and traffic engineering design, consider the separate intersections of divided highways with medians thirty (30) feet wide or wider, as defined in Subsection (b) of this section, as components of a single intersection.

"Sec. 89. Section 18, Subsection (b), Chapter 421, Acts of the 50th Legislature, 1947 (Article 6701d, Vernon's Texas Civil Statutes), is amended to read as follows:

"(b) 'Traffic-control signal.' Any device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.

"Sec. 90. Section 27, Chapter 421, Acts of the 50th Legislature, 1947 (Article 6701d, Vernon's Texas Civil Statutes), is amended to read as follows:

"(a) The provisions of this Act shall not be deemed to prevent local authorities with respect to streets and highways under their jurisdiction

and within the reasonable exercise of the policy power from—

"1. Regulating the stopping, standing or parking of vehicles;

"2. Regulating traffic by means of police officers or traffic-control signals;

"3. Regulating or prohibiting processions or assemblages on the highways;

"4. Designating particular highways as one-way highways and requiring that all vehicles thereon be moved in one specific direction;

"5. Regulating the speed of vehicles in public parks;

"6. Designating any highway as a through highway and requiring that all vehicles stop or yield before entering or crossing the same, or designating any intersection as a stop intersection or a yield intersection and requiring all vehicles to stop or yield at one or more entrances to such intersection;

"7. Regulating the operation of bicycles and requiring the registration and licensing of same, including the requirement of a registration fee;

"8. Regulating or prohibiting the turning of vehicles or specified types of vehicles at intersections;

"9. Altering the speed limits as authorized herein;

"10. Adopting such other traffic regulations as are specifically authorized by this Act.

"(b) No local authority shall erect or maintain any stop sign or yield sign or traffic-control signal at any location so as to require the traffic on any State highway, including Farm-to-Market or Ranch-to-Market roads, to stop or yield before entering or crossing any intersecting highway unless such signs or signals are erected and maintained by virtue of an agreement entered into between such local authority and the State Highway Department under the provisions of Senate Bill No. 415, Acts, 46th Legislature, Regular Session.

"(c) No ordinance or regulation enacted under Subsections (4), (5), (6), or (9) of Subsection (a) of this section shall be effective until signs giving notice of such local traffic regulations are posted upon or at the entrances to the highway or part thereof affected as may be most appropriate.

"Sec. 91. Article 798, Penal Code of Texas, 1925, and Chapter 342, Acts of the 55th Legislature, Regular Ses-

sion, 1957 (Article 827e-1, Vernon's Texas Penal Code), are repealed.

"Sec. 92. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

"Sec. 93. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended, and this Rule is hereby suspended."

On motion of Senator Blanchard, and by unanimous consent, the reading of the amendment was dispensed with and he explained it.

Question — Shall the Committee Amendment to S. B. No. 505 be adopted?

Reports of Standing Committee

Senator Herring by unanimous consent submitted the following reports:

Austin, Texas,
May 16, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred H. C. R. No. 61, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HERRING, Chairman.

Austin, Texas,
May 16, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred H. C. R. No. 40, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HERRING, Chairman.

Austin, Texas,
May 16, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred H. C. R. No. 113, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HERRING, Chairman.

Recess

Senator Blanchard moved that the Senate take recess until 3:00 o'clock p.m. today.

Senator Schwartz moved that the Senate take recess until 3:30 o'clock p.m. today.

Question first on the motion to take recess until 3:30 o'clock p.m. today, the motion was lost.

Question next on the motion to take recess until 3:00 o'clock p.m. today, the motion prevailed.

Accordingly, the Senate at 11:47 o'clock a.m. took recess until 3:00 o'clock p.m. today.

After Recess

The President called the Senate to order at 3:00 o'clock p.m. today.

Message From the Governor

The following message received from the Governor was read and was filed with the Secretary of the Senate:

Austin, Texas,
May 12, 1967.

The Honorable Preston Smith
Lieutenant Governor
State Capitol
Austin, Texas

Dear Lieutenant Governor:

Pursuant to Senate Concurrent Resolution Number 67, I am returning to the Senate for correction the following bill: Senate Bill Number 438 relating to amending Articles 5728, 5736b, and 5736d, Revised Civil Statutes of Texas, 1925, relating to the testing of milk and cream.

With kindest regards,

Sincerely,
JOHN CONNALLY
Governor of Texas

Bills Signed

The President signed in the presence of the Senate after the caption

had been read, the following enrolled bills:

H. B. No. 288, A bill to be entitled "An Act relating to the open season for deer in Bowie County; amending Subsection (e), Section 2, Chapter 336, Acts of the 58th Legislature, 1963; and declaring an emergency."

H. B. No. 772, Amending Art. 1436, Revised Civil Statutes of Texas, 1925, and amending Chapter 228, Acts of the 51st Legislature, Regular Session, 1949 (Article 1436a, Vernon's Texas Civil Statutes), being an Act granting to certain gas, electric current and power corporations the general powers of eminent domain, authorizing the construction, maintenance and operation of lines and facilities along, on, upon and over public roads, streets and alleyways, prescribing minimum standards of safety for such construction, maintenance and operation, etc., and declaring an emergency.

S. B. No. 530, A bill to be entitled "An Act amending the Texas Probate Code by adding thereto a new Section 320A which provides that when executors, independent executors and administrators pay claims for funeral expenses and for items incident thereto, they shall charge the whole of such claims to the decedent's estate and shall charge no part thereof to the community share of a surviving spouse; and declaring an emergency."

The President again signed in the presence of the Senate after the caption had been read, the following enrolled bill:

S. B. No. 438, A bill to be entitled "An Act relating to the testing of milk and cream; providing a penalty; amending Articles 5728, 5736b (Article 1057b, Vernon's Texas Penal Code), and 5736l, Revised Civil Statutes of Texas, 1925; and declaring an emergency."

**House Concurrent Resolution 113
Ordered Not Printed**

On motion of Senator Ratliff and by unanimous consent H. C. R. No. 113 was ordered not printed.

**Conference Committee Report
on Senate Bill 477**

Senator Watson submitted the fol-

lowing Conference Committee Report on S. B. No. 477:

Austin, Texas,
May 11 1967.

Hon. Preston Smith, President of the Senate.

Hon. Ben Barnes, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on S. B. No. 477, have met and had same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

WATSON
BATES
HERRING
REAGAN
BLANCHARD

On the part of the Senate.

PIPKIN
CREWS
CORY

JONES of Taylor

On the part of the House.

S. B. No. 477

**A BILL
TO BE ENTITLED**

AN ACT amending Chapter 21 of the Insurance Code, as amended, by adding a new Article, numbered Article 21.28-A, relating to insurer delinquencies and their prevention, supervision of insurers and conservatorship and liquidation proceedings; defining the legislative purposes and findings; declaring public policy; defining words, terms and phrases used in this Act; stating the application and scope of this Article; authorizing the Commissioner, under prescribed conditions, to notify insurers to comply, under the Commissioner's supervision, with his lawful written requirements within 60 days; authorizing the Commissioner, after notice and hearing, to take charge of any insurer which fails to comply with his lawful requirements; prohibiting certain acts during the 60 day period of supervision; providing for the appointment of conservators and prescribing their duties; providing for rehabilitation of insurers; authorizing conservators to reinsure policies or certificates in solvent companies; providing that reserves attributable to

such reinsured policies or certificates may be transferred to the reinsuring company; providing that such transfer shall not be deemed a preference of creditors; providing for suits in the nature of quo warranto to be brought against insurers by the Attorney General; providing that costs of supervision and conservatorship shall be charges against insurers; declaring the Act applicable to out-of-state companies and prescribing special procedures respecting supervision and conservatorship for such companies; providing for judicial review and for staying actions of conservators or of the Commissioner; fixing venue; prescribing the duration of conservatorships; authorizing administrative election of proceedings; authorizing the State Board of Insurance to promulgate rules and regulations; declaring that other statutes and laws are authorized for use and application in conjunction with this Article; declaring the Act cumulative of other laws and that its provisions shall govern if in conflict with other laws; providing severability; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Chapter 21 of the Texas Insurance Code, as amended, enacted as Chapter 491, Acts 1951, 52nd Legislature, Chapter 491, and as amended, is hereby amended by adding a new article to the Insurance Code to read as follows:

"Article 21.28A. Insurer Delinquencies and Prevention of Insurer Delinquencies; Supervision of Insurers and Proceedings, Conservatorships, Liquidations—Additional and Alternative Provisions.

"Section 1. Purposes and Findings. It is the sense of the Legislature that existing provisions and conditions of law and the ordered procedures of law are sometimes not adequate, nor appropriate under all circumstances, in respect of a need to remedy the financial condition and the management of certain insurers. Neither are the laws adequate for the rehabilitation of insurers who voluntarily request rehabilitation. A void exists in the laws with respect to those insurers most susceptible to rehabilitation or the regaining of solvency. The Legislature finds and determines that

the placing of an insurer in receivership often destroys or diminishes, or is likely to destroy or diminish, one or more of the following values or assets: (a) the value of the insurance account or in-force business of the insurer, (b) the value of the insurer as a going concern, (c) the value of its agency force, and (d) the value of other of its assets. The Legislature declares that such values and assets should be preserved if the circumstances of the insurer's financial condition warrant an attempt to conserve or rehabilitate such insurer and such rehabilitation or conservation is otherwise feasible. It is the purpose of the Legislature to provide for rehabilitation and conservation of insurers by authorizing and requiring the additional facility of supervision and conservatorship by the State Board of Insurance, to authorize action to resolve whether an attempt be made to rehabilitate and conserve an insurer, and to avoid, if possible and feasible, the necessity of temporary or permanent receivership. It is the further purpose of this Act to provide for protection of the assets of an insurer pending determination of whether or not an insurer can be successfully rehabilitated. It is not the sense of the Legislature that rehabilitation will be accomplished in every case, but it is the purpose of this article to provide a facility and direction for attempting the rehabilitation without immediate resort to the harsher remedy of receivership. In the event that receivership ultimately becomes necessary, it is nevertheless the belief and finding of the Legislature that the preliminary supervision and conservatorship is preventive of a dissipation of assets and will thus benefit policy holders, creditors and owners; and the State Board of Insurance is directed, in its discretion, to the use of this authorization. The Legislature further finds that an insurer delinquency, or the state's incapacity to properly proceed in a threatened delinquency, directly or indirectly affects other insurers by creating a lack of public confidence in insurance and in insurance companies. As respects the state, insurer delinquencies are destructive of public confidence in the capacity of the state to regulate insurers. These and other harmful results of insurer delinquency are properly minimized by a further enactment designed to protect and in aid of in-

sureds, creditors and owners. The Legislature intends and expects that the inappropriate as well as the appropriate concerns in respect of insurance and insurers will be reduced by the existence and operation of this law. The Legislature declares that it is a proper concern of this state and proper policy to attempt to correct or remedy insurer misconduct, ineptness or misfortune. It is the purpose of the Legislature to express, or to imply from context when not expressed, an authorization, provision and enabling of the promulgation of rules and regulations by the State Board of Insurance as directed in these legislative findings and in the augmentation of this law; and to provide also for any other requisite administrative action. In consequence of the foregoing, the substance and procedure of this Article is here declared to be the public policy of this state and necessary to the public welfare. Such policy and welfare requires the availability of this law and the application of this law whenever circumstances warrant; and it is therefore a condition of doing an insurance business in this state; and it is made applicable and is a consequence of any other transactions in respect of an insurer or insurance. And in conjunction with existing law, the rationale is effected in the provision herein for a generally ordered sequence, and review at each such step, of supervision, concurrent conservation and rehabilitation (including reinsurance), and, as may at any time or ultimately be indicated or determined, cessation of the conservation by accomplishment of rehabilitation or by receivership and liquidation.

"Section 2. DEFINITION, APPLICATION AND SCOPE. As used in this Article, the following words, terms and phrases (in single quotes in this section of the Article but not in quotes in other sections) include the meanings, significance or application described in this section, except as another meaning is clearly requisite from the purposes or is otherwise clearly indicated by the context.

"(a) 'Insurance Company (used interchangeably with 'insurer') is any person, organization, association or company (authorized or unauthorized, admitted or non-admitted), acting as an insurer, or as principal or agent of an insurer, including stock

companies, reciprocals or interinsurance exchanges, Lloyds associations, fraternal benefit societies, stipulated premium companies, and mutual companies of all kinds, including statewide mutual assessment corporations, local mutual aids, burial associations, and county mutual insurance companies and farm mutual insurance companies.

"(b) In respect of an insurance company or insurer, 'insolvent' or 'insolvency' and the phrases in further identity of insurer delinquency and threatened insurer delinquency, mean and include, and the conditions to which this Article is applicable include, but are not limited to, any one or more of the following circumstances or conditions:

"(1) if an insurance company's required surplus, capital, or capital stock is impaired to an extent prohibited by law, or

"(2) if an insurance company continues to write new business when it is not possessed of the surplus, capital or capital stock which is required of it by law to permit it to do so, or

"(3) if the business of any such insurance company is being conducted fraudulently, or

"(4) if any such insurance company attempts to dissolve or liquidate without first having made provisions, satisfactory to the Commissioner of Insurance, for liabilities arising from policies of insurance issued by such company.

"(c) 'Exceeded its Powers' includes and means but is not limited to the following circumstances:

"(1) if an insurance company has refused to permit examination of its books, papers, accounts, records, or affairs by the Commissioner of Insurance, his deputy, or duly commissioned examiners; or if any insurance company, organized in the State of Texas, has removed from the State such books, papers, accounts or records necessary for an examination of such insurance company, or

"(2) if an insurance company has failed to promptly answer inquiries authorized by Article 1.25 of this Code, or

"(3) if an insurance company has neglected or refused to observe an order of the Commissioner to make good, within the time prescribed by law, any prohibited deficiency in its capital, capital stock, or surplus, or

"(4) if an insurance company without first having obtained written approval of the Commissioner has by contract or otherwise: (i) totally reinsured its entire outstanding business, or (ii) merged or consolidated substantially its entire property or business with another insurer; or

"(5) if any insurance company is continuing to write business after its license has been revoked or suspended.

"(d) 'Consent,' as used in this Act, includes and means agreement to either supervision or conservatorship by the insurance company.

"Section 3. If upon examination or at any other time it appears to or is the opinion of the Commissioner of Insurance that any insurance company is insolvent, or its condition is such as to render the continuance of its business hazardous to the public or to holders of its policies or certificates of insurance, or if such company appears to have exceeded its powers (as defined herein) or has failed to comply with the law, or if such insurance company gives its consent (as defined herein), then the Commissioner of Insurance shall upon his determination (a) notify the insurance company of his determination, and (b) furnish to the insurance company a written list of the Commissioner's requirements to abate his determination, and (c) if the Commissioner makes a further determination to supervise he shall notify the insurance company that it is under the supervision of the Commissioner of Insurance and that the Commissioner is applying and effecting the provisions of this Article. Such insurance company shall comply with the lawful requirements of the Commissioner of Insurance and if placed under supervision shall under supervision have sixty (60) days from the date of notice within which to comply with the requirements of the Commissioner, subject, however, to the provisions of this Article. In the event of such insurance company's failure to comply within such time, the Commissioner of Insurance, acting for himself, or through a conservator appointed by the Commissioner of Insurance for that purpose, shall immediately, after due and proper notice and hearing, take charge as conservator of the insurance company and all of the property and effects thereof.

"Section 4. (a) PROHIBITED ACTS DURING 60-DAY PERIOD OF SUPERVISION. During the period of supervision, the Commissioner may appoint a Supervisor to supervise such insurance company and may provide that the insurance company may not do any of the following things, during the period of supervision, without the prior approval of the Commissioner or his Supervisor:

"(1) Dispose of, convey or encumber any of its assets or its business in force;

"(2) Withdraw any of its bank accounts;

"(3) Lend any of its funds;

"(4) Invest any of its funds;

"(5) Transfer any of its property;

"(6) Incur any debt, obligation or liability;

"(7) Merge or consolidate with another company; or

"(8) Enter into any new reinsurance contract or treaty.

"(b) The Liquidator of the State Board of Insurance, or his duly appointed deputy, may be appointed to serve as the Supervisor.

"Section 5. CONSERVATORSHIP OR LIQUIDATION. If, after notice, and after hearing, at the conclusion of said sixty (60) day period, it is determined that such insurance company has failed to comply with the lawful requirements of the Commissioner, or upon consent by an insurance company, the Commissioner may appoint a Conservator, who shall immediately take charge of such insurance company and all of the property, books, records, and effects thereof, and conduct the business thereof, and take such steps toward the removal of the causes and conditions, which have necessitated such order, as the Commissioner may direct. During the pendency of conservatorship, the Conservator shall make such reports to the Commissioner from time to time as may be required by the Commissioner, and shall be empowered to take all necessary measures to preserve, protect, and recover any assets or property of such insurance company, including claims or causes of action belonging to or which may be asserted by such insurance company, and to deal with the same in his own name as Conservator, and shall be empowered to file, prosecute, and defend any suit or suits which have been filed or which may thereafter be filed by or against such in-

insurance company which are deemed by the Conservator to be necessary to protect all of the interested parties or any property affected thereby. If at the time of appointment of a Conservator or at any time during the pendency of such conservatorship it appears that the interest of the policyholders or certificate holders of such insurance company can best be protected by reinsuring the same, the Conservator may, with the approval of or at the direction of the Commissioner: (1) reinsure all or any part of such insurance company's policies or certificates of insurance with some solvent insurance company authorized to transact business in this state, and (2) to the extent that such insurance company in conservatorship is possessed of reserves attributable to such policies or certificates of insurance, the Conservator may transfer to the reinsuring company such reserves or any portion thereof as may be required to consummate the reinsurance of such policies, and any such reserves so transferred shall not be deemed a preference of creditors. The Liquidator of the State Board of Insurance, or his duly appointed deputy, may be appointed to serve as the Conservator. If the Commissioner of Insurance, however, is satisfied that such insurance company is not in condition to continue business in the interest of its policy or certificate holders, under the Conservator as above provided, the Commissioner of Insurance shall give notice to the Attorney General who shall thereupon apply to any Court in Travis County, Texas, having jurisdiction thereof for leave to file a suit in the nature of quo warranto to forfeit the charter of such insurance company or to require it to comply with the law or to satisfy the Commissioner of Insurance as to its solvency, and to satisfy the requirement that its condition is such as to render the continuance of its business not hazardous to the public or to the holders of its policies or certificates of insurance. It shall be in the discretion of the Commissioner of Insurance to determine whether or not he will operate the insurance company through a Conservator, as provided above, or report it to the Attorney General, as herein provided. When all the policies of an insurance company are reinsured or terminated, and all of its

affairs concluded, as herein provided, the Commissioner of Insurance shall report the same to the Attorney General, who shall take such action as may be necessary to effect the forfeiture or cancellation of the charter of the insurance company so reinsured and liquidated. Where the Commissioner of Insurance lends his approval to the merger, consolidation or reinsurance of all the policies of one insurance company with that of another, the same shall be reported to the Attorney General who shall proceed to effect the forfeiture or cancellation of the charter of the insurance company from which the policies were merged, consolidated or reinsured, in the same manner as is provided for the charters of companies totally reinsured or liquidated. The cost incident to the Supervisor's and Conservator's service shall be fixed and determined by the Commissioner of Insurance and shall be a charge against the assets and funds of the insurance company to be allowed and paid as the Commissioner of Insurance may determine.

"Section 6. Out-of-State Companies. This Article shall apply to insurance companies doing an insurance business but not domiciled in the State of Texas, whether authorized to do business in this State or not. In the event that the Commissioner of Insurance makes any of the findings provided for in Section 3 of this Article concerning any such insurance company or finds that any such insurance company is not possessed of the minimum surplus or capital or capital stock required by the Insurance Code of the State of Texas for similar type domestic companies, or if a Conservator, rehabilitator, receiver, or liquidator has been appointed in the state of domicile, or if the insurance company gives its consent as defined herein, the Commissioner of Insurance shall have the same power and jurisdiction to appoint a Supervisor or Conservator as to the assets of such out-of-state insurer located in this State as provided herein for domestic insurance companies. In the event that any such out-of-state insurance company shall fail to comply with the provisions of Section 4 of this Article with respect to any of its assets or policies located within this state during any sixty (60) day period of supervision, such act or violation shall constitute sufficient grounds for the immediate revoca-

tion of its certificate of authority to do business in this State and for the immediate appointment of a Conservator to take charge of its assets located within this state. Any Supervisor or Conservator appointed with respect to assets located in this state belonging to an out-of-state insurance company shall have all of the powers and authority provided for in Section 5 of this Article with respect to such assets located in this state and, in addition, may reinsure all or any part of such insurance company's policyholders or certificate holders located within this state with some solvent insurance company authorized to transact business in this state and may transfer to the reinsuring company, as reserve funds, assets or any portion thereof in his possession as may be required to consummate the reinsurance of such policies and any of such assets transferred as reserve funds shall not be deemed a preference of creditors.

"Section 7. REVIEW AND STAY OF ACTION. During the period of supervision and during the period of conservatorship, the insurance company may request the Commissioner of Insurance or in his absence, the duly appointed Deputy for such purpose, to review an action taken or proposed to be taken by the Supervisor or Conservator, specifying wherein the action complained of is believed not to be in the best interests of the insurance company, and such request shall stay the action specified pending review of such action by the Commissioner or his duly appointed Deputy. Any order entered by the Commissioner appointing a Supervisor and providing that the insurance company shall not do certain acts as provided in Section 4 of this Article, any order entered by the Commissioner appointing a Conservator, and any order by the Commissioner following the review of an action of the Supervisor or Conservator as hereinabove provided shall be immediately reviewed by the State Board of Insurance upon the filing of an appeal by the insurance company. The Board shall review the action complained of in a public hearing and render its decision at the earliest possible date thereafter, and the requirement of ten (10) days notice set out in Article 1.04(d) of this Code may be waived by the parties of record. The Board may stay

the effectiveness of any order of the Commissioner, pending its review of such order. Such appeal shall have precedence over all other business of a different nature pending before the Board, and in the public hearing any and all evidence and matters pertaining to the appeal may be submitted to the Board, whether included in the appeal or not, and the Board shall make such other rules and regulations with regard to such applications and their consideration as it deems advisable. If such insurance company be dissatisfied with any decision, regulation, order, rule, act or administrative ruling adopted by the State Board of Insurance, such dissatisfied insurance company after failing to get relief from the State Board of Insurance, may file a petition setting forth the particular objection to such decision, regulation, order, rule, act or administrative ruling, or to either or all of them, in the District Court of Travis County, Texas, and not elsewhere, against the State Board of Insurance as defendant. Said action shall have precedence over all other causes on the docket of a different nature. The action shall not be limited to questions of law and the substantial evidence rule shall not apply, except as interpretation of the Constitution may require, but such action shall be tried and determined upon a trial de novo to the same extent as now provided for in the case of an appeal from the Justice Court to the County Court. Either party to said action may appeal to the Appellate Court having jurisdiction of said cause and said appeal shall be at once returnable to said Appellate Court having jurisdiction of said cause and said action so appealed shall have precedence in said Appellate Court over all causes of a different character therein pending. The Board shall not be required to give any appeal bond in any cause arising hereunder.

"Section 8. VENUE. Except for causes of action based upon terms of an insurance policy or policy or policies issued by an insurance company placed in conservatorship, any suit filed against an insurance company or its Conservator, after the entrance of an order by the Commissioner of Insurance placing such insurance company in conservatorship and while such order is in effect, shall be brought in a court of competent jurisdiction in Travis County, Texas, and

not elsewhere. The Conservator appointed hereunder for such company may file suit in any court of competent jurisdiction in Travis County, Texas, against any person for the purpose of preserving, protecting, or recovering any assets or property of such insurance company including claims or causes of action belonging to or which may be asserted by such insurance company.

"Section 9. DURATION OF CONSERVATORSHIP. As respects a conservatorship, the Conservator shall serve for such time as is necessary to accomplish the purposes of the conservatorship as intended by this Act. If rehabilitated, the rehabilitated insurance company shall be returned to management or new management under such reasonable conditions as will best tend to prevent the defeat of the purposes for which it was placed in conservatorship.

"Section 10. ADMINISTRATIVE ELECTION OF PROCEEDINGS. (a) If the Commissioner determines to act under authority of this Article, or is directed by the State Board of Insurance or a court of competent jurisdiction to act under this Article, the sequence of his acts and proceedings shall be as set forth herein. However, it is a purpose and substance of this Article to authorize administrative discretion—to allow the State Board of Insurance and the Commissioner administrative discretion in the event of insurance company delinquencies—and in furtherance of that purpose, the Commissioner is hereby authorized in respect of insurance company delinquencies or suspected delinquencies to proceed and administer either under this Article or under any other applicable law, or under this law in conjunction with other law, either as such law is now existing or as is hereafter enacted, and it is so provided.

"Section 11. RULES AND REGULATIONS. The State Board of Insurance shall be empowered to adopt and promulgate such reasonable rules and regulations as may be necessary for the augmentation and accomplishment of this Act, including its purposes.

"Section 12. Other statutes authorized for use and application in conjunction with this Article are Section 14 of Article 17.25, and Articles 14.33 and 22.22 of the Insurance Code. Also authorized for use, in conjunc-

tion with this Article, in delinquency proceedings or threatened insolvencies of insurers, are any other statutes or laws possible of application with this Act or in the procedures of this Act, or in augmentation of this Act whether or not directed as applicable by such other statute; but in the event of conflict between this Article and any other Article, the provisions of this Article shall govern."

Section 2. This Act shall be cumulative of all other laws, general and special, relating to the subject matter hereof, and if in conflict with any other laws, general and special, the provisions hereof shall control and govern.

Section 3. If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Section 4. The fact that the Commissioner of Insurance and the State Board of Insurance do not now have adequate authority to act by supervision and conservatorship to rehabilitate, reinsure, conserve or liquidate an insurance company before it becomes hopelessly insolvent or before it becomes necessary to appoint a receiver involves an emergency and creates an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days be suspended, and the Rule is hereby suspended; and this Act shall take effect and be in force from and after its passage, and it is so enacted.

The Conference Committee Report was read and was adopted.

Senate Bill 214 with House Amendments

Senator Wade called S. B. No. 214 from the President's Table for consideration of the House amendments to the bill.

The President laid the bill and the following House amendments before the Senate:

Committee Amendment 1

Amend Section 1 of S. B. No. 214 by adding the following at the end

of the last sentence of quoted Section 2 of Section 1 thereof:

"In the event the seller is not the funeral home designated to provide the specified funeral services or merchandise, such contract shall not be valid unless the funeral home so designated is a party to the contract and therein agrees and obligates itself to provide such specified funeral services or merchandise. It is further provided that all prearranged or pre-paid funeral contracts shall set forth the particulars of the funeral merchandise, including a description and specifications of the material used in the caskets or grave vaults to be furnished, and such contracts shall set forth the particulars of the professional services to be performed and the funeral home facilities to be provided."

Committee Amendment 2

Amend S. B. 214 by striking out the last paragraph of quoted Section 5(3) of Section 1 thereof, and reading as follows:

"At maturity date of a contract as above provided, or at the time of cancellation by purchaser as provided in Subsection (4) herein, seller may withdraw from said deposit account (whether a trust or other funded account) the realized enhancement or accrued interest of said contract on a prorated basis of the paid-in amount of the said contract to the total deposit account."

and substituting in lieu thereof the following:

"Upon the maturity date of a contract as above provided and only after the funeral home has fully performed its obligations under said contract with the purchaser, or at the time of cancellation prior to maturity as provided in Subsection (4) herein, the seller may additionally withdraw from said deposit account (whether a trust or other funded account) any enhanced value, accrued interest, or accrued income of said contract. Such withdrawal shall be the proportionate part of the total enhanced value, accrued interest or accrued income, that the amount deposited under said contract bears to the total amount deposited from all unmatured contracts."

Amendment 3

Amend quoted Section 5 (3) of S. B. No. 214 by inserting on line 40, after the words "reasonable and necessary charges," the words "made by a savings and loan association, or bank, or trust department of a bank."

Amendment 4

Page 2, Line 6—addition to read as follows:

grave markers, monuments, tombstones, crypts, niches, mausoleums and any merchandise which is attached to and becomes a part of a grave lot or grave space shall not be excluded from the provisions of this section when these items and articles are sold, etc.

Amendment 5

Page 1, Line 47—addition to read as follows:

niches, mausoleums and any merchandise which is attached to and becomes a part of a grave lot or grave space, such merchandise being visible on the surface of said grave lot or grave space.

Amendment 6

Amend S. B. No. 214 by striking out Sec. 10 and insert in lieu thereof the following:

Sec. 10. "All fees, penalties and revenues collected by the department shall be paid to the State Treasury, placed in the prepaid funeral account fund and shall be expended as authorized by legislative appropriation."

The House amendments were read.

Senator Wade moved that the Senate do not concur in the House amendments, but that a Conference Committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

Accordingly, the President announced the appointment of the following Conferees on the part of the Senate on the bill: Senators Wade, Hardeman, Reagan, Ratliff and Parkhouse.

**Senate Bill 505 Laid on Table
Subject to Call**

On motion of Senator Blanchard, and by unanimous consent, S. B. No. 505 was Laid on the Table Subject to Call.

Reports of Standing Committees

Senator Parkhouse by unanimous consent submitted the following reports:

Austin, Texas,
May 16, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Water and Conservation, to which was referred H. B. No. 853, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PARKHOUSE, Chairman.

Austin, Texas,
May 16, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Water and Conservation, to which was referred H. B. No. 854, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PARKHOUSE, Chairman.

Austin, Texas,
May 16, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Water and Conservation, to which was referred H. B. No. 550, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PARKHOUSE, Chairman.

Austin, Texas,
May 16, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Water and Conservation, to which was referred H. B. No. 1212, have had the same under consideration, and we are instructed to report it back to the

Senate with the recommendation that it do pass and be printed.

PARKHOUSE, Chairman.

Austin, Texas,
May 16, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Water and Conservation, to which was referred H. B. No. 1213, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PARKHOUSE, Chairman.

Senator Herring by unanimous consent submitted the following reports:

Austin, Texas,
May 16, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred H. C. R. No. 63, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HERRING, Chairman.

Austin, Texas,
May 16, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred H. C. R. No. 33, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HERRING, Chairman.

Austin, Texas,
May 16, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred H. C. R. No. 116, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HERRING, Chairman.

Austin, Texas,
May 16, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred H. C. R. No. 108, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HERRING, Chairman.

Austin, Texas,
May 16, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred H. C. R. No. 98, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HERRING, Chairman.

Austin, Texas,
May 16, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred H. C. R. No. 88, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HERRING, Chairman.

Austin, Texas,
May 16, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred H. C. R. No. 84, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HERRING, Chairman.

Austin, Texas,
May 16, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred H. C. R. No. 69, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HERRING, Chairman.

Austin, Texas,
May 16, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred H. B. No. 357, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HERRING, Chairman.

Austin, Texas,
May 16, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred H. B. No. 271, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HERRING, Chairman.

Austin, Texas,
May 16, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred H. B. No. 561, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HERRING, Chairman.

Austin, Texas,
May 16, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred H. B. No. 74, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HERRING, Chairman.

Austin, Texas,
May 16, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred H. B. No. 214, have had the same under consideration, and I am instructed to report it back to the Senate with the

recommendation that it do pass as amended and be printed.

HERRING, Chairman.

Austin, Texas,
May 16, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred H. B. No. 428, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

HERRING, Chairman.

Austin, Texas,
May 16, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred H. B. No. 1277, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

HERRING, Chairman.

Austin, Texas,
May 16, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred S. B. No. 287, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HERRING, Chairman.

Austin, Texas,
May 16, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred S. B. No. 289, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HERRING, Chairman.

Senator Cole by unanimous consent submitted the following reports:

Austin, Texas,
May 16, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Education, to which was referred H. B.

No. 1296, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

COLE, Chairman.
REAGAN
BLANCHARD

Austin, Texas,
May 16, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Education, to which was referred H. B. No. 1283, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

COLE, Chairman.
REAGAN
BLANCHARD

Senator Hightower by unanimous consent submitted the following report:

Austin, Texas,
May 16, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Game and Fish, to which was referred S. B. No. 605, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HIGHTOWER, Chairman.

Senator Parkhouse by unanimous consent submitted the following reports:

Austin, Texas,
May 16, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Water and Conservation, to which was referred H. B. No. 1242, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PARKHOUSE, Chairman.

Austin, Texas,
May 16, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Water and Conservation, to which was referred H. B. No. 809, have had the same under consideration, and

I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PARKHOUSE, Chairman.

Senator Hall by unanimous consent submitted the following report:

Austin, Texas,
May 16, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 1300, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HALL, Chairman.
WORD
CHRISTIE

**Committee Substitute
Senate Bill 174 on Second Reading**

Senator Blanchard asked unanimous consent to suspend the regular order of business and take up C. S. S. B. No. 174 for consideration at this time.

There was objection.

Senator Blanchard then moved to suspend the regular order of business and take up C. S. S. B. No. 174 for consideration at this time.

The motion prevailed by the following vote:

Yeas—21

Aikin	Hazlewood
Bates	Hightower
Bernal	Kennard
Berry	Parkhouse
Blanchard	Reagan
Christie	Schwartz
Cole	Strong
Connally	Wade
Hall	Wilson
Hardeman	Word
Harrington	

Nays—8

Brooks	Jordan
Creighton	Mauzy
Grover	Patman
Herring	Ratliff

Absent

Watson

Absent—Excused

Moore

The President laid before the Senate on its second reading and passage to engrossment:

C. S. S. B. No. 174, A bill to be entitled "An Act to amend Chapter Three of the Insurance Code (Acts 1951, 52nd Legislature, Chapter 491, as amended) by adding thereto a new Article to be designated Art. 3.40-1; providing that notwithstanding the provisions of Art. 3.40 of such Code any domestic life insurance company may invest any of its funds in improved income producing real estate and may hold, improve, maintain, manage, lease, sell or convey such property subject to specified terms, limitations, and restrictions; defining the term "income producing real estate"; limiting the amount of admitted assets which may be so invested; providing that the investment authority granted by this Act is in addition to and separate and apart from the investment authority granted by Art. 3.40 except for the limitations of Subdivision 1(b) thereof; providing that the investments so made shall be "Texas Securities"; providing that nothing contained in this Article shall permit such a life insurance company to purchase undeveloped real estate for the purpose of development or subdivision; and declaring an emergency."

The bill was read second time.

Senator Word offered the following amendment to the bill:

Amend Section 1 of Senate Bill 174 by striking from Subdivision (2) of Section 1 of Article 3.40-1, as therein proposed to be enacted, the words "ten per centum" and substituting in lieu thereof the following: "seven and one half per centum."

The amendment was read and was adopted.

Senator Blanchard offered the following amendment to the bill:

Amend Section 1 of S. B. 174 by striking out all of Subsection (1) of Section 1 and inserting in lieu thereof the following:

"(1) The term 'income producing real estate' as used in this Article shall include all commercial and industrial real property as may be held or acquired by purchase or lease or otherwise for the production of income excepting any agricultural, hor-

gricultural, farm and ranch property, residential property, single or multi-unit family dwelling property, which is expressly excluded."

The amendment was read and was adopted.

Senator Blanchard offered the following amendment to the bill:

Amend S. B. 174 by adding a new "Section 4" to Article 3.40-1 as the same appears in Section 1 of S. B. 174, which said "Section 4" shall be and read as follows:

"Section 4. No life insurance company may invest more than 1% of its admitted assets in income producing real estate in any one year during the first seven years after the effective date of this Act, provided, however, if a life insurance company invests less than 1% of its admitted assets in income producing real estate during any one year such life insurance company may thereafter, at any time, invest the difference between the percentage of admitted assets invested and 1% of admitted assets and such percentage shall be in addition to and cumulative of the amount of income producing real estate in which such life insurance company may invest in any particular year hereunder."

The amendment was read and was adopted.

Senator Blanchard offered the following amendment to the bill:

Amend Section 1 of S. B. 174 by striking out all of Section 2 and inserting in lieu thereof the following:

"Section 2. The property owned by such life insurance company pursuant to this Article shall not be classified as 'Texas Securities'."

The amendment was read and was adopted.

On motion of Senator Blanchard and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

Record of Votes

Senators Patman, Grover, Mauzy, Herring, Ratliff, Creighton, Kennard, Brooks and Christie asked to be re-

corded as voting "Nay" on the passage of the bill to engrossment.

Motion to Place Committee Substitute Senate Bill 174 on Third Reading

Senator Blanchard moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that C. S. B. No. 174 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving four-fifths vote of the Members present):

Yeas—21

Aikin	Hightower
Bates	Kennard
Bernal	Parkhouse
Berry	Reagan
Blanchard	Schwartz
Christie	Strong
Cole	Wade
Connally	Watson
Hardeman	Wilson
Harrington	Word
Hazlewood	

Nays—8

Brooks	Jordan
Creighton	Mauzy
Grover	Patman
Herring	Ratliff

Present—Not Voting

Hall

Absent—Excused

Moore

Message From the House

Hall of the House of Representatives
Austin, Texas,
May 16, 1967.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 112, Establishing a state park to include Sabinal Canyon.

H. C. R. No. 117, Creating the Oyster and Shellfish Committee.

H. B. No. 1327, A bill to be entitled "An Act amending Section 1, Chapter 125, Acts of the 52nd Legislature, 1951, as amended, relating to the reg-

ulatory authority of the Parks and Wildlife Commission in certain counties, to add Bastrop County and Fayette County to the list of counties regulated; and declaring an emergency."

H. B. No. 1303, A bill to be entitled "An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as 'Windfern Municipal Utility District'; declaring district a governmental agency, body politic and corporate; defining the boundaries; etc.; and declaring an emergency."

H. B. No. 1302, A bill to be entitled "An Act granting to the Parks and Wildlife Commission regulatory authority over the wildlife resources of Kendall County subject to certain procedures and limitations; defining "wildlife resources," "depletion," "waste," and "state of emergency" in relation to such wildlife resources; etc., and declaring an emergency."

H. B. No. 1294, A bill to be entitled "An Act ratifying and validating all proceedings and actions had and taken by the governing body of Harris County Water Control and Improvement District No. 97, the organization of the district, all notices and all proceedings relating thereto, the exclusion of lands from the district and the boundaries as redefined after the exclusions hearing, and all elections and hearings; ratifying and validating all purposes for which district was created; providing a no-litigation clause; providing the bonds and refunding bonds of this district shall be eligible investments; enacting other provisions relating to the aforementioned subjects; providing a saving clause; and declaring an emergency."

H. B. No. 1284, A bill to be entitled "An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as "Point Lookout Estates Municipal Utility District"; declaring district a governmental agency, body politic and corporate; etc., and declaring an emergency."

H. B. No. 1245, A bill to be entitled "An Act relating to the creation of Colonia-Chaparral Municipal Utility District in Guadalupe County as a

conservation and reclamation district under the provisions of Section 59, Article XVI, of the Constitution of the State of Texas; prescribing the powers, duties, functions and procedures of the district; and declaring an emergency."

H. B. No. 1219, A bill to be entitled "An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas known as "College View Municipal Utility District"; declaring district a governmental agency, body politic and corporate; etc., and declaring an emergency."

H. B. No. 1195, A bill to be entitled "An Act adding land to Harris County Water Control and Improvement District No. 83, describing the boundaries of such added land; deleting from Harris County Fresh Water Supply District No. 49 all area which overlaps such added land; finding the field notes and boundaries of the added land form a closure, and related matters; redefining the boundary of the district as enlarged; finding the field notes and boundaries of the redefined district form a closure and related matters; finding a benefit to all land and other property within the district as enlarged; ratifying and validating all proceedings and actions had and taken by the governing body of the district; the organization and boundaries of the district, all notices and all proceedings relating thereto, and all elections and hearings; ratifying and validating all purposes for which the district was created; providing a no-litigation clause; determining and finding the requirements of Article 16, Section 59(d), Constitution of the State of Texas, as to notice of intention to introduce this Act have been fulfilled and accomplished; providing the bonds and refunding bonds of this district shall be eligible investments; providing that the Municipal Annexation Act shall have no application to this addition of land; enacting other provisions relating to the aforementioned subjects; providing a saving clause; and declaring an emergency."

H. B. No. 1150, A bill to be entitled "An Act to amend Section 7 of Chapter 360, Acts of the Forty-fifth Legislature, Regular Session, 1937 (codi-

fied as Article 8280-120 of Vernon's Texas Civil Statutes), relating to the issuance of bonds by the Harris County Flood Control District; making such bonds eligible for certain investments and to secure the deposit of public funds; enacting other provisions relating to the subject; and declaring an emergency."

H. B. No. 959, A bill to be entitled "An Act amending Sections 2 and 3 of Chapter 111, Acts of the 58th Legislature, 1963, as amended (Article 3221c, Vernon's Texas Civil Statutes), to change name of and to constitute the Texas Blind and Deaf School as a combined part of Texas School for the Deaf as so enlarged and as part of the Texas School for the Deaf Independent School District; vesting jurisdiction thereof and its properties in the State Board of Education for all purposes; providing for severability; and declaring an emergency."

H. B. No. 903, A bill to be entitled "An Act concerning the taking of oysters from public reefs of the State of Texas for transplanting purposes; requiring a permit therefor; providing penalties; and declaring an emergency."

H. B. No. 902, A bill to be entitled "An Act concerning the harvesting of oysters from private oyster locations, prescribing a fee therefor, providing penalties, repealing Article 4041, Revised Civil Statutes of Texas; and declaring an emergency."

H. B. No. 866, A bill to be entitled "An Act relating to the salary of the Judge of the Court of Domestic Relations of Smith County; amending Section 5, Chapter 16, Acts of the 55th Legislature, Regular Session, 1957, as amended (Article 2338-8, Vernon's Texas Civil Statutes); and declaring an emergency."

H. B. No. 412, A bill to be entitled "An Act relating to the membership and compensation of the Hunt County Juvenile Board and the compensation of the juvenile court clerk; amending Sections 1 and 4, Chapter 305, Acts of the 56th Legislature, Regular Session, 1959 (Article 5139CC, Vernon's Texas Civil Statutes); and declaring an emergency."

H. B. No. 372, A bill to be entitled

"An Act amending Article 7150, Revised Civil Statutes of Texas, 1925, by adding a new section to be known as Section 22; exempting certain property from taxation; and declaring an emergency."

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Senate Joint Resolution 6 on Second Reading

On motion of Senator Hall and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. J. R. No. 6, Proposing an Amendment to the Constitution of the State of Texas authorizing each county in the State of Texas to pay all medical expenses, all doctor bills and all hospital bills for Sheriffs, Deputy Sheriffs, Constables, Deputy Constables and other county and precinct law enforcement officials who are injured in the course of their official duties; providing that while said Sheriff, Deputy Sheriff, Constable, Deputy Constable or other county or precinct law enforcement official is hospitalized or incapacitated that the county shall continue to pay his maximum salary; and providing that said salary payment shall cease on the expiration of the term of office to which such official was elected or appointed.

The resolution was read second time.

Senator Hall offered the following Committee Amendment to the resolution:

Amend S. J. R. 6 by adding to the end of Section 1, the following: "Provided, further, that medical expenses and doctor bills, as used herein, shall include such charges by doctors of medicine, doctors of chiropractic and doctors of osteopathy."

The Committee Amendment was read and was adopted.

The resolution as amended was passed to engrossment.

Record of Vote

Senator Hardeman asked to be re-

corded as voting "Nay" on the passage of the resolution to engrossment.

Senate Joint Resolution 6 on Third Reading

Senator Hall moved that the Constitutional Rule and Senate Rule 32 requiring resolutions to be read on three several days be suspended and that S. J. R. No. 6 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin	Hightower
Bates	Jordan
Bernal	Kennard
Berry	Mauzy
Brooks	Parkhouse
Christie	Patman
Cole	Reagan
Connally	Schwartz
Grover	Strong
Hall	Wade
Harrington	Watson
Hazlewood	Wilson
Herring	Word

Nays—3

Blanchard	Ratliff
Hardeman	

Absent

Creighton

Absent—Excused

Moore

The President then laid the resolution before the Senate on its third reading and final passage.

The resolution was read third time and was passed by the following vote:

Yeas—27

Aikin	Hightower
Bates	Jordan
Bernal	Kennard
Berry	Mauzy
Brooks	Parkhouse
Christie	Patman
Cole	Reagan
Connally	Schwartz
Creighton	Strong
Grover	Wade
Hall	Watson
Harrington	Wilson
Hazlewood	Word
Herring	

Nays—3

Blanchard	Ratliff
Hardeman	

Absent—Excused

Moore

Vote on Concurrence in House Amendments to Senate Bill 122 Reconsidered

On motion of Senator Reagan and by unanimous consent the vote by which the Senate concurred in the House Amendments to S. B. No. 122 on yesterday was reconsidered (he having voted on the prevailing side).

Question—Shall the Senate concur in the House Amendments to S. B. No. 122?

The Senate again concurred in the House Amendments to S. B. No. 122 by the following vote:

Yeas—27

Aikin	Hazlewood
Bates	Herring
Bernal	Hightower
Berry	Jordan
Blanchard	Kennard
Brooks	Parkhouse
Christie	Patman
Cole	Ratliff
Connally	Reagan
Creighton	Strong
Grover	Wade
Hall	Wilson
Hardeman	Word
Harrington	

Nays—3

Mauzy	Watson
Schwartz	

Absent—Excused

Moore

Conference Committee Report on Senate Bill 33

Senator Word submitted the following Conference Committee Report on S. B. No. 33:

Austin, Texas,
May 9, 1967.

Hon. Preston Smith, President of the Senate.

Hon. Ben Barnes, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the difference

es between the Senate and the House of Representatives on S. B. No. 33, have met and had same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

WORD
HARDEMAN
RATLIFF
BLANCHARD
BATES

On the part of the Senate.

FONDREN
McDONALD
SHANNON
of Tarrant
NUGENT
FLOYD

On the part of the House.

S. B. No. 33

A BILL TO BE ENTITLED

An Act relating to the rights, duties, privileges, powers, and liabilities of spouses; revising and amending Chapters 2 and 3, Title 75, Revised Civil Statutes of Texas, 1925; amending Articles, 6632, 6647, 1065, 5518, 5519, and 5535; amending the Insurance Code by adding a new Article 3.49-3; repealing Articles 1300, 1983, 1985, 4611, 4612, 4616, 6605, 6608, 6648, 6649, 6650, and 6651, Revised Civil Statutes of Texas, 1925; validating certain acknowledgments of married women; providing a saving clause; providing an effective date; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Chapters 2 and 3, Title 75, Revised Civil Statutes of Texas, 1925, as amended, are revised and amended to read as follows:

"CHAPTER TWO "MATRIMONIAL PROPERTY AGREEMENTS

"Article 4610. MATRIMONIAL PROPERTY AGREEMENTS. Without prejudice to pre-existing creators, before marriage persons intending to marry may be a subscribed, written instrument enter into a matrimonial property agreement as they may desire. Any minor capable of marrying but not otherwise capable of entering into a binding agreement may enter into a matrimonial property agreement with the subscribed, writ-

ten consent of the guardian of the estate of the minor with the approval of the probate court after application, notice and hearing as required in the Probate Code for the sale of real estate on a minor. Such an agreement shall be void as against a purchaser in good faith without notice thereof and for a valid consideration and as against creditors without notice unless the subscribed, written instrument evidencing it is acknowledged and filed for record (1) as to realty in the deed records of the county in which the property or interest in property is situated or (2) as to personalty in the office of the Secretary of State.

"CHAPTER THREE "RIGHTS OF SPOUSES

"Article 4613. SEPARATE AND COMMUNITY PROPERTY OF SPOUSES. All property owned or claimed by either spouse before marriage and that acquired during marriage by gift, devise or descent and the increase of property thus acquired is a spouse's separate property. Each spouse shall have sole management, control and disposition of his or her separate property. The separate property of a spouse is not subject to liabilities of the other spouse unless both spouses are liable by other rules of law. All property acquired by either spouse during marriage, other than separate property, is community property.

"Article 4614. DUTY TO SUPPORT. Each spouse has the duty to support his or her children; the husband has the duty to support the wife; and the wife has the duty to support the husband when he is unable to support himself. A spouse who fails to discharge a duty of support is liable to any person who provides necessities to those to whom support is owed.

"Article 4615. RECOVERY FOR PERSONAL INJURIES. The recovery awarded for personal injuries sustained by either spouse during marriage shall be the separate property of that spouse except for any recovery for loss of earning capacity during marriage.

"Article 4617. UNUSUAL CIRCUMSTANCES. If one spouse is unable to manage, control, or dispose of the community property subject to his or her sole management, control and disposition, or if a spouse disappears and his or her where-

abouts remain unknown to the other spouse, or if one spouse permanently abandons the other, or if the spouses are permanently separated, then not less than sixty days thereafter the capable spouse, or the remaining spouse, or the abandoned spouse, or either spouse in the case of permanent separation, may file a sworn petition (in the district court of the county in which the petitioning spouse resided at the time of such incapacity, disappearance, abandonment or permanent separation) stating the facts that make it desirable for the petitioning spouse to manage, control and dispose of community property (described or defined in the petition) which would otherwise be subject to the sole management, control and disposition of the other. If both spouses are nonresidents of the state at the time of such incapacity, disappearance, abandonment or permanent separation, the petition shall be filed in the district court of any county in which any part of the described or defined community property is situated. A notice of filing of the petition and the date set for hearing with a copy of the petition shall be issued by the clerk and served on the respondent spouse as in other cases, provided that, if the residence of the respondent is unknown, the notice shall be published in some newspaper of general circulation published in that county, but if none, then in an adjacent or nearest county where a newspaper of general circulation is published, once a week for two consecutive weeks prior to the hearing. The first publication shall not be less than ten days before the date set for the hearing. After hearing the evidence, the court shall enter an order describing or defining the community property in issue that shall be (during the marriage) subject to the management, control and disposition of each spouse on such terms as the court shall deem just and equitable. The jurisdiction of the court is continuing and upon restoration of capacity of the incapable spouse, or upon reappearance of the spouse who disappeared, or upon the termination of the abandonment or the permanent separation, the court shall on motion of either spouse, and with notice as provided above, amend or vacate the original order. Any order provided for herein effecting changes in the management, control and disposition

of described or defined community property shall be void as against a purchaser in good faith without notice thereof and for a valid consideration and as against creditors without notice unless the order is filed for record (1) as to realty in the deed records of the county in which the property or interest in property is situated or (2) as to personalty in the office of the Secretary of State.

"In the exercise of its equity powers the court may impose such conditions and restrictions as it deems necessary to protect the rights of the other spouse; the court may require a bond conditioned on faithful administration of the proceeds or may require that all or a portion of the proceeds be paid into the registry of the court, to be disbursed in accordance with the court's further directions.

"Article 4618. HOMESTEAD OF SPOUSES.

"Section 1. The homestead, whether the separate property of either spouse or community property, shall not be sold, conveyed or encumbered without the joinder of the spouses, except as provided herein or by other rules of law.

"Section 2. If the homestead is the separate property of a spouse and the other spouse has been judicially declared to be incompetent, the homestead may be sold, conveyed or encumbered by its owner without the joinder of the other spouse. If the homestead is the separate property of a spouse and the other spouse is incompetent (whether so adjudicated or not), or disappears and his or her whereabouts remain unknown to the owner, or the other spouse permanently abandons the homestead and the owner, or the other spouse permanently abandons the homestead and the spouses are permanently separated, then not less than sixty days thereafter the owner may file a sworn petition (in the district court of the county in which any portion of the property is situated) giving a description of the property and stating the facts that make it desirable for the owner to sell, convey or encumber the homestead without the joinder of the other spouse. Notice shall be given in the manner provided in Article 4617. After hearing the evidence, the court shall enter an order with respect to sale, conveyance or encumbrance of the homestead as it shall deem just and equitable.

"Section 3. If the homestead is the community property of the spouses and one spouse has been judicially declared to be incompetent, the homestead may be sold, conveyed, or encumbered by the competent spouse without the joinder of the other spouse. If the homestead is the community property of the spouses and if one spouse is incompetent (whether so adjudicated or not), or if a spouse disappears and his or her whereabouts remain unknown to the other spouse, or if one spouse permanently abandons the homestead and the other spouse, or if one spouse permanently abandons the homestead and the spouses are permanently separated, then not less than sixty days thereafter the competent spouse, the remaining spouse, the abandoned spouse or the spouse who has not abandoned the homestead in a case of permanent separation, who desires to sell, convey or encumber the community homestead of the spouses, may file a sworn petition in the district court of the county in which any portion of the property is situated, giving a description of the property and stating the facts that make it desirable for the petitioning spouse to sell, convey or encumber the homestead without the joinder of the other spouse. Notice shall be given in the manner provided in Article 4617. After hearing the evidence, the court shall enter an order granting relief when it appears necessary or advisable and on such terms as the court shall deem advisable.

"In the exercise of its equity powers the court may impose such conditions and restrictions as it deems necessary to protect the rights of the other spouse; the court may require a bond conditioned on faithful administration of the proceeds or may require that all or a portion of the proceeds be paid into the registry of the court, to be disbursed in accordance with the court's further directions.

"Article 4619. PRESUMPTION OF COMMUNITY PROPERTY. All property possessed by either spouse during or on dissolution of marriage is presumed to be community property.

"Article 4620. LIABILITY OF COMMUNITY PROPERTY. The community property subject to sole or joint management, control and disposition of a spouse shall be subject to the liabilities of that spouse incurred before or during marriage. The community property subject to the sole

management, control and disposition of a spouse shall not be subject to any liabilities of the other spouse incurred before marriage or nontortious liabilities incurred by the other spouse during marriage unless both spouses are liable by other rules of law. All the spouses' community property is subject to liability for all torts committed by either spouse during marriage.

"Article 4621. POWERS OF MANAGEMENT, CONTROL AND DISPOSITION. During marriage each spouse shall have sole management, control and disposition of that community property which he or she would have owned if a single person, including (but not limited to) his or her personal earnings, the revenues from his or her separate property, the recoveries for personal injuries awarded to him or her, and the increase, mutations and revenues of all property subject to his or her sole management, control and disposition; the earnings of an unemancipated minor are subject to the management, control and disposition of the parents or parent having custody of the minor; if community property subject to the sole management, control and disposition of one spouse is mixed or combined with community property subject to the sole management, control and disposition of the other spouse, the mixed or combined community property is subject to the joint management, control and disposition of the spouses unless the spouses otherwise provide; any other community property is subject to the joint management, control and disposition of the husband and wife.

"Article 4622. DEALINGS WITH THIRD PERSONS. During marriage property held in a spouse's name (whether evidenced by muniment, contract, deposit of funds, or otherwise) or property possessed by a spouse (not subject to such evidence of ownership) is presumed to be property subject to his or her sole management, control and disposition, and any person dealing with a spouse during marriage without notice to the contrary or being a party to a fraud upon the other spouse or another, is entitled to rely (as against the other spouse or anyone claiming from that spouse) upon the authority of that spouse to deal with that property.

"Article 4624. JUDGMENT AND EXECUTION. When any combination

of (1) separate property of a spouse, (2) community property subject to a spouse's sole management, control and disposition, (3) community property subject to the other spouse's sole management, control and disposition, and (4) community property subject to the joint management, control and disposition of the spouses, are subject to liability for a judgment, the judge may, as he shall deem just and equitable, fix the order in which particular community and separate property shall be subject to execution and sale on the basis of the facts surrounding the transaction or occurrence upon which the suit is based.

"Article 4624a. **PARTITION OR EXCHANGE OF COMMUNITY BETWEEN SPOUSES.** Without prejudice to pre-existing creditors the spouses may from time to time by a subscribed, written instrument partition between themselves in severalty or into equal undivided interests all or any part of their community property or exchange between themselves the community interest of one spouse in any property for the community interest of the other spouse in other community property; whereupon the portion or interest set aside to each spouse shall be the separate property of such spouse; provided, however, such partition or exchange shall be void as against a purchaser in good faith without notice thereof and for a valid consideration and as against creditors without notice unless the subscribed written instrument evidencing it is acknowledged and filed for record (1) as to realty in the deed records of the county in which the property or interest in property is situated, or (2) as to personalty in the office of the Secretary of State.

"Article 4625. **CAPACITY OF SPOUSES.** All persons of whatever age married in accordance with the laws of this state shall have the power and capacity of a single person of full age, including the capacity to contract, except as to the right to vote or as provided by other rules of law.

"Article 4626. **SUITS.** A spouse may sue and be sued without the joinder of the other spouse. When claims or liabilities are joint and several, the spouses may be joined under the rules relating to joinder of parties generally.

"Article 4627. **PERSONS MAR-**

RIED ELSEWHERE. The law of this state shall apply to persons married elsewhere who are domiciled in this state."

Sec. 2. Articles 6632 and 6647, Revised Civil Statutes of Texas, 1925, are amended to read respectively as follows:

"Article 6632. **MATRIMONIAL PROPERTY AGREEMENTS AND COMMUNITY PROPERTY PARTITIONS AND EXCHANGES.** Any matrimonial property agreement or any partition or exchange of community property shall be void as against a purchaser in good faith without notice thereof and for a valid consideration and as against creditors without notice unless the subscribed, written instrument evidencing it is acknowledged and filed for record (1) as to realty in the deed records of the county in which the property or interest in property is situated or (2) as to personalty in the office of the Secretary of State.

"Article 6647. **SEPARATE PROPERTY OF SPOUSES.** The recordation, (1) as to realty in the deed records of the county in which the property or interest in property is situated or (2) as to personalty in the office of the Secretary of State, of a schedule of a spouse's separate property, subscribed and acknowledged, shall be notice to all subsequent purchasers and creditors of the claim of ownership of the property described in the schedule."

Sec. 3. Articles 1064, 5518, 5519, and 5535, Revised Civil Statutes of Texas, 1925, are amended to read respectively as follows:

"Article 1064. **ONE YEAR REDEMPTIONS.** If the real estate of an infant or lunatic be sold under this title, the same may be redeemed at any time within one year after such disability be removed.

"Article 5518. **PERSON UNDER DISABILITY.** If a person entitled to sue for the recovery of real property or make any defense founded on the title thereto, be at the time such title shall first descend or the adverse possession commence:

"1. A person, including a married person, under twenty-one years of age, or

"2. In time of war, a person in the military or naval service of the United States, or

"3. A person of unsound mind, or

"4. A person imprisoned, the time

during which such disability or status shall continue shall not be deemed any portion of the time limited for the commencement of such suit, or the making of such defense; and such person shall have the same time after the removal of his disability that is allowed to others by the provisions of this title; provided, that notwithstanding a person may be or may have been laboring under any of the disabilities mentioned in this Article, one having the right of action for the recovery of any lands, tenements or hereditaments against another having peaceable and adverse possession thereof, cultivating, using or enjoying same, shall institute his suit therefor within twenty-five years next after his cause of action shall have accrued and not thereafter.

"Article 5519. Action Barred in Twenty-Five Years. No person who has a right of action for the recovery of real estate shall be permitted to maintain an action therefor against any person having peaceable and adverse possession of such real estate for a period of twenty-five years prior to the filing of such action, under claim of right, in good faith, under a deed or deeds, or any instrument or instruments, purporting to convey the same, which deed or deeds, or instrument or instruments purporting to convey the same have been recorded in the deed records of the county in which the real estate or a part thereof is situated; and one so holding and claiming such real estate under such claim of title and possession shall be held to have a good marketable title thereto, and on proof of the above facts shall be held to have established title by limitation to such real estate regardless of minority, insanity or other disability in the adverse claimant, or any person under whom such adverse claimant claims, existing at the time of the accrual of the cause of action, or at any time thereafter. Such peaceable and adverse possession need not be continued in the same person, but when held by different persons successively there must be a privity of estate between them. The adverse possession of any part of such real estate shall extend to and be held to include all of the property described in such deed or instrument conveying or purporting to convey, under which entry was made upon such land or any part thereof, and by instrument purporting to convey shall be meant any instru-

ment in the form of a deed or which contains language showing an intention to convey even though such instrument, for want of proper execution or for other cause is void on its face or in fact.

"Article 5535. Person Under Disability. If a person entitled to bring any action mentioned in this subdivision of this title be at the time the cause of action accrues either a minor, a married person under twenty-one years of age, a person imprisoned or a person of unsound mind, the time of such disability shall not be deemed a portion of the time limited for the commencement of the action and such person shall have the same time after the removal of his disability that is allowed to others by the provisions of this title."

Sec. 4. The Texas Insurance Code is amended by adding a new Article to be numbered Article 3.49-3, reading as follows:

"Article 3.49-3. Life Insurance and Annuity Contracts of a Spouse. A spouse shall have management, control and disposition of any contract of life insurance or annuity heretofore or hereafter issued in his or her name or to the extent provided by the contract or any assignment thereof without the joinder or consent of the other spouse."

Sec. 5. Article 5460, Revised Civil Statutes of Texas, 1925 is amended to read as follows:

"Article 5460. When material is furnished, labor performed, or improvements as defined in this title are made, or when erections or repairs are made upon homesteads, if the owner thereof is a married man or woman, then to fix and secure the lien upon the same it shall be necessary for the person or persons who furnish the material or perform the labor, before such material is furnished or such labor is performed, to make and enter into a contract in writing, setting forth the terms thereof, which shall be signed and acknowledged by both the husband and wife. And such contract shall be recorded in the office of the county clerk in the county where such homestead is situated, in a well bound book to be kept for that purpose. When such contract has been made and entered into by the husband and wife and the contractor or builder, and the same has been recorded, as heretofore provided, then the same shall inure to the benefit of

any and all persons who shall furnish material or labor thereon for such contractor or builder."

Sec. 6. The following Articles of the Revised Civil Statutes of Texas, 1925, are repealed: Articles 1300, 1983, 1985, 4611, 4612, 4616, 6605, 6608, 6648, 6649, 6650, and 6651.

Sec. 7. All acknowledgements of married women taken since the effective date of H. B. 403, Chapter 472, 58th Legislature, and H. B. 404, Chapter 473, 58th Legislature, in substantial compliance with Article 6607 of the Revised Civil Statutes of Texas, 1925, shall be and the same are hereby validated provided, however, that this Act does not apply to litigation pending before the effective date of this Act.

Sec. 8. This Act takes effect January 1, 1968.

Sec. 9. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended, and this Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The Conference Committee Report was read and was adopted.

House Bills and Resolution on First Reading

The following bills and resolution received from the House, were read the first time and referred to the committees indicated:

H. J. R. No. 60, to Committee on Constitutional Amendments.

H. B. No. 558, to Committee on State Affairs.

H. B. No. 1195, to Committee on Water and Conservation.

H. B. No. 1150, to Committee on Water and Conservation.

Senate Bill 605 Ordered Not Printed

On motion of Senator Connally and by unanimous consent S. B. No. 605 was ordered not printed.

House Bill 560 Ordered Not Printed

On motion of Senator Wilson and

by unanimous consent H. B. No. 560 was ordered not printed.

House Bill 573 Ordered Not Printed

On motion of Senator Wilson and by unanimous consent H. B. No. 573 was ordered not printed.

House Bill 734 Ordered Not Printed

On motion of Senator Wilson and by unanimous consent H. B. No. 734 was ordered not printed.

House Bill 736 Ordered Not Printed

On motion of Senator Wilson and by unanimous consent H. B. No. 736 was ordered not printed.

House Bill 737 Ordered Not Printed

On motion of Senator Wilson and by unanimous consent H. B. No. 737 was ordered not printed.

House Bill 853 Ordered Not Printed

On motion of Senator Wilson and by unanimous consent H. B. No. 853 was ordered not printed.

House Bill 854 Ordered Not Printed

On motion of Senator Wilson and by unanimous consent H. B. No. 854 was ordered not printed.

House Bill 931 Ordered Not Printed

On motion of Senator Wilson and by unanimous consent H. B. No. 931 was ordered not printed.

House Bill 1223 Ordered Not Printed

On motion of Senator Wilson and by unanimous consent H. B. No. 1223 was ordered not printed.

House Bill 1242 Ordered Not Printed

On motion of Senator Wilson and by unanimous consent H. B. No. 1242 was ordered not printed.

House Bill 1269 Ordered Not Printed

On motion of Senator Wilson and by unanimous consent H. B. No. 1269 was ordered not printed.

House Bill 1270 Ordered Not Printed

On motion of Senator Wilson and by unanimous consent H. B. No. 1270 was ordered not printed.

House Bill 550 Ordered Not Printed

On motion of Senator Schwartz and by unanimous consent H. B. No. 550 was ordered not printed.

House Bill 1212 Ordered Not Printed

On motion of Senator Schwartz and by unanimous consent H. B. No. 1212 was ordered not printed.

House Bill 1213 Ordered Not Printed

On motion of Senator Schwartz and by unanimous consent H. B. No. 1213 was ordered not printed.

**Motion to Place
Senate Bill 422 on Second Reading**

Senator Bernal asked unanimous consent to suspend the regular order of business and take up S. B. No. 422 for consideration at this time.

There was objection.

Senator Bernal then moved to suspend the regular order of business and take up S. B. No. 422 for consideration at this time.

The motion was lost by the following vote (not receiving two-thirds vote of the Members present):

Yeas—18

Aikin	Hall
Bates	Harrington
Bernal	Hightower
Berry	Jordan
Blanchard	Kennard
Brooks	Patman
Cole	Reagan
Connally	Watson
Grover	Wilson

Nays—11

Christie	Parkhouse
Creighton	Ratliff
Hardeman	Schwartz
Hazlewood	Strong
Herring	Wade
Mauzy	

Present—Not Voting

Word

Absent—Excused

Moore

Bills Signed

The President signed in the pres-

ence of the Senate after the caption had been read, the following enrolled bills:

S. B. No. 91, A bill to be entitled "An Act relating to the compensation of district judges assigned to sit for judges of the Court of Domestic Relations, the Court of Domestic Relations No. 2, and the Juvenile Court of Dallas County; etc.; and declaring an emergency."

S. B. No. 434, A bill to be entitled "An Act authorizing the Texas Department of Mental Health and Mental Retardation to sell water rights on land in Wilbarger County etc., and declaring an emergency."

S. B. No. 122, A bill to be entitled "An Act amending Texas Banking Code to change qualifications of members of The Finance Commission, etc., and declaring an emergency."

Reports of Standing Committee

Senator Parkhouse by unanimous consent submitted the following reports:

Austin, Texas,
May 16, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Water and Conservation to which was referred H. B. No. 1150, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PARKHOUSE Chairman.

Austin, Texas,
May 16, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Water and Conservation to which was referred H. B. No. 1195, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PARKHOUSE, Chairman.

Senate Concurrent Resolution 74

Senator Harrington offered the following resolution:

S. C. R. No. 74, Authorizing Enrolling Clerk to make certain corrections in S. B. No. 565.

Whereas, Senate Bill No. 565 has been passed by both the Senate and the House and is now in the Senate Enrolling Room; and

Whereas, The following minor corrections need to be made in the bill: Change the word "as" to "at" in subsection (1), page 23, third sentence; and change the word "of" to "or" between the words "fee" and "any" in Section 12, first sentence, page 24, of said S. B. 565, now, therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, That the Enrolling Clerk of the Senate be and she is hereby directed to make the above corrections.

The resolution was read.

On motion of Senator Harrington, and by unanimous consent, the resolution was considered immediately and was adopted.

Message From the House

Hall of the House of Representatives
Austin, Texas,
May 16, 1967.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

The House has adopted the Conference Committee Report on Senate Bill No. 33 by a non-record vote.

The House has adopted the Conference Committee Report on House Bill No. 514 by a vote of 131 ayes and 1 noes.

Respectfully submitted,
DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Committee Substitute Senate Bill 335 on Second Reading

Senator Hall asked unanimous consent to suspend the regular order of business and take up C. S. S. B. No. 335 for consideration at this time.

There was objection.

Senator Hall then moved to suspend the regular order of business and take up C. S. S. B. No. 335 for consideration at this time.

The motion prevailed by the following vote:

Yeas—26

Aikin	Hazlewood
Bates	Herring
Bernal	Hightower
Berry	Jordan
Blanchard	Kennard
Brooks	Parkhouse
Christie	Patman
Cole	Ratliff
Connally	Reagan
Creighton	Strong
Grover	Watson
Hall	Wilson
Harrington	Word

Nays—4

Hardeman	Schwartz
Mauzy	Wade

Absent—Excused

Moore

The President laid before the Senate on its second reading and passage to engrossment:

C. S. S. B. No. 335, A bill to be entitled "An Act to apportion the State of Texas into Congressional Districts, naming the counties and parts of counties composing the districts, providing for the election of a member of the Congress of the United States from each district; repealing Chapter 349, Acts of the 59th Legislature, Regular Session, 1965 (Article 197b, Vernon's Texas Civil Statutes); and declaring an emergency."

The bill was read second time.

Pending discussion by Senator Hall of the bill, Senator Hardeman occupied the Chair.

(President in the Chair.)

Pending discussion by Senator Hall of the bill, Senator Bates occupied the Chair.

(President in the Chair.)

The bill was passed to engrossment.

Record of Votes

Senators Mauzy, Wade, Kennard and Wilson asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

**Committee Substitute
Senate Bill 335 on Third Reading**

Senator Hall moved that the Constitutional Rule, Senate Rule 32 and Senate Rule 38 requiring bills to be read on three several days be suspended and that C. S. S. B. No. 335 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—23

Aikin	Hazlewood
Bates	Herring
Berry	Hightower
Blanchard	Jordan
Brooks	Parkhouse
Christie	Patman
Connally	Ratliff
Creighton	Reagan
Grover	Strong
Hall	Watson
Hardeman	Word
Harrington	

Nays—5

Bernal	Wade
Kennard	Wilson
Mauzy	

Absent

Cole	Schwartz
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Absent—Excused

Moore

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Record of Votes

Senators Mauzy, Wilson, Kennard, Hardeman, Bernal and Wade asked to be recorded as voting "Nay" on the final passage of the bill.

Report of Standing Committee

Senator Cole by unanimous consent submitted the following report:

Austin, Texas,
May 16, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We your Committee on Education, to which was referred H. B. No.

1137, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

COLE, Chairman.
BLANCHARD
REAGAN

Welcome Resolutions

S. R. No. 656—By Senator Bernal: Extending welcome to teachers and students of Holy Rosary Catholic School of San Antonio.

S. R. No. 657—By Senator Bernal: Extending welcome to teachers and students of Eighth Grade of St. Margaret Mary Catholic School of San Antonio.

S. R. No. 658—By Senator Watson: Extending welcome to Otis Gardner.

S. R. No. 659—By Senator Word: Extending welcome to teachers and students of Jonesboro Senior Class.

S. R. No. 661—By Senator Herring: Extending welcome to teachers and students of Seventh Grade Class of Allen Junior High School of Austin.

S. R. No. 662—By Senator Herring: Extending welcome to teacher and students of Third Grade Class of Gullett Elementary School of Austin.

S. R. No. 663—By Senator Herring: Extending welcome to teacher and students of Social Studies Eighth Grade Class from Lamar Junior High School of Austin.

S. R. No. 664—By Senator Watson: Extending welcome to George Vowell.

Recess

On motion of Senator Bates the Senate at 4:57 o'clock p.m. took recess until 9:00 o'clock a.m. tomorrow.

APPENDIX

Reports of Standing Committee

Senator Hardeman submitted the following reports:

Austin, Texas,
May 16, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 386, An Act relating to the protection of Texas Tortoises (*Gopherius berlandieri*) from commercial exploitation; providing a penalty; and declaring an emergency.

has carefully compared same and finds it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,
May 16, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 334, An Act concerning county law libraries, amending Section 1, Chapter 192, Acts of the 48th Legislature, 1943, as amended (Article 1702a-1, Vernon's Texas Civil Statutes); providing for a cost increase on civil cases to benefit the county law library fund; and declaring an emergency.

has carefully compared same and finds it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,
May 16, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 25, An Act permitting beneficiaries of a trust created before the effective date of the Texas Trust Act to elect to come under the provisions of said Act, after the death of the trustor or trustors; specifying the means by which the election is to be made; and declaring an emergency.

has carefully compared same and finds it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,
May 16, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 114, An Act amending Article 310, Revised Civil Statutes of Texas, 1925, to provide that the maximum fee which may be charged for taking an examination from the Board of Legal Examiners is \$40; and declaring an emergency.

has carefully compared same and finds it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,
May 15, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 204, An Act to establish the Texas Water Quality Board, prescribe its powers, duties, functions, and procedures and to provide for the establishment and control of the quality of the waters in the state and the control, prevention, and abatement of pollution; validating previous actions of the Texas Water Pollution Control Board; providing penalties; repealing Chapter 42, Acts of the 57th Legislature, 1st Called Session, 1961, as amended (Article 7621d, Vernon's Texas Civil Statutes), and repealing certain other laws to the extent of conflict; providing for severability; and declaring an emergency.

has carefully compared same and finds it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,
May 16, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 50, An Act relating to the exemption from taxation of certain non-profit corporations formed to prevent cruelty to animals and to promote humane treatment of animals; amending Subdivision 7, Article 7150, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency.

has carefully compared same and finds it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,
May 16, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 232, An Act relating to the annual salaries of assistants to the county school superintendent in certain counties; and declaring an emergency.

has carefully compared same and finds it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,
May 16, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 323, An Act relating to the extension of loads on certain motor vehicles beyond the rear of the vehicle; amending Chapter 73, Acts of the 54th Legislature, 1955, as amended by amending Section 1 and adding Section 3a (Article 827a-3, Vernon's Texas Penal Code); and declaring an emergency.

has carefully compared same and finds it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,
May 16, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 331, An Act relating to the protection of horned toads from commercial exploitation; providing a penalty; and declaring an emergency.

has carefully compared same and finds it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,
May 16, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 122, An Act amending Article 342-104 of the Texas Bank-

ing Code of 1943, same being Acts of the 48th Legislature, Chapter 97, by changing the qualifications of certain members of the Finance Commission; and declaring an emergency.

has carefully compared same and finds it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,
May 15, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 530, An Act amending the Texas Probate Code by adding thereto a new Section 320A which provides that when executors, independent executors and administrators pay claims for funeral expenses and for items incident thereto, they shall charge the whole of such claims to the decedent's estate and shall charge no part thereof to the community share of a surviving spouse; and declaring an emergency.

has carefully compared same and finds it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,
May 16, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 91, An Act relating to the compensation of district judges assigned to sit for judges of the Court of Domestic Relations, the Court of Domestic Relations No. 2, and the Juvenile Court of Dallas County; amending Section 21, Chapter 511, Acts of the 55th Legislature, Regular Session, 1957, as amended (Article 2338-9, Vernon's Texas Civil Statutes), and Chapter 13, Acts of the 56th Legislature, 3rd Called Session, 1959 (Article 2338-9a, Vernon's Texas Civil Statutes); and declaring an emergency.

has carefully compared same and finds it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,
May 16, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 434, An Act authorizing the Texas Department of Mental Health and Mental Retardation to sell an exclusive and perpetual right to use, draw and take all water in, under and upon a certain described tract of land in Wilbarger County with all water lines and improvements located thereon; prescribing the manner of sale; providing for the disposition of the proceeds; and declaring an emergency.

has carefully compared same and finds it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,
May 16, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 563, An Act to provide that the judges of the County Courts at Law Nos. 1, 2, and 3, and the County Civil Court at Law of Bexar County, Texas, shall each receive an annual salary of not less than Sixteen Thousand Dollars (\$16,000) nor more than Eighteen Thousand Five Hundred Dollars (\$18,500) to be determined and fixed by the Commissioners Court of Bexar County, Texas, and when thus determined and fixed such annual salary shall be paid in twelve (12) equal monthly installments by warrants drawn upon the County Treasurer of Bexar County, Texas, upon orders by the Commissioners Court; and declaring an emergency.

has carefully compared same and finds it correctly enrolled.

HARDEMAN, Chairman.

Sent to Governor

May 16, 1967

S. B. No. 386
S. B. No. 334
S. B. No. 114
S. B. No. 50
S. B. No. 25
S. B. No. 204
S. B. No. 232
S. B. No. 323

S. B. No. 331
S. B. No. 122
S. B. No. 438
S. B. No. 530
S. C. R. No. 71
S. C. R. No. 72
S. C. R. No. 73

SIXTY-FIRST DAY

(Continued)

(Wednesday May 17, 1967)

After Recess

The Senate met at 9:00 o'clock a.m., and was called to order by Senator Hardeman.

Senate Resolution 665

Senator Bernal by unanimous consent offered the following resolution:

Whereas, Senate Bill No. 521 has been passed by the Senate; and

Whereas, Certain technical changes need to be made in the bill to correct certain amendatory citations and form; now, therefore, be it

Resolved, by the Senate of the State of Texas, That the engrossing and enrolling clerk of the Senate be and hereby is directed to correct the amendatory citations in and form of Senate Bill No. 521.

The resolution was read and was adopted.

Reports of Standing Committees

Senator Aikin by unanimous consent submitted the following reports:

Austin, Texas,
May 17, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Finance, to which was referred H. B. No. 1076, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Austin, Texas,
May 17, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on